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MATT BLUNT

SECRETARY OF STATE

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Oct. 16, 2001	Nov. 15, 2001	Nov. 30, 2001	Dec. 30, 2001
Nov. 1, 2001	Dec. 3, 2001	Dec. 31, 2001	Jan. 30, 2002
Nov. 15, 2001	Dec. 17, 2001	Dec. 31, 2001	Jan. 30, 2002

Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule.

Missouri Depository Libraries

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HOW TO CITE RULES AND RSMo

RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 26, *Missouri Register*, page 27. The approved short form of citation is 26 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation , i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division in the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—Cite material in the RSMo by date of legislative action. The note in parentheses gives the original and amended legislative history. The Office of the Revisor of Statutes recognizes that this practice gives users a concise legislative history.

FROM THIS ANGLE....

Rulemaking Manual Update

The binders have been completed, our "sample" copies received, and they look very nice! If you are in to file rules, please feel free to ask to take a peek! We believe the binder, which will sit on your desktop and place the various steps of the rulemaking process right at your fingertips, will be of great benefit to you - our user. Look for dates in upcoming editions of this publication where we will be announcing the date for the presentation of this manual to you.

Please WATCH your diskette content!!

The content of the diskette you file with a proposed or emergency rulemaking should be formatted in Microsoft Word and reflect an exact mirror image of the text of the rulemaking you are filing. We have observed that many times this is not the case. Please be certain to save your final revisions and supply us with that version on your diskette when filing your rules. This will only help to make the rulemaking process more efficient and will also be of assistance to you when you seek a diskette copy of your rule from us in the future.

The exception to this content would be final orders of rulemaking. On a final order of rulemaking diskette, please cover your public comments, if any, and where you have comments, please continue to summarize those comments. You need only furnish the changes in language (or, the explanation reference, *i.e.*, amended, rescinded, adopted, or withdrawn) made between the proposed and final order of rulemaking.

As always, please feel free to contact us if we may be of assistance to you in any stage of the rulemaking process.



Lynne C. Angle
Director, Administrative Rules Division

Rules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2000. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons and findings which support its conclusion that there is an immediate danger to the public health, safety or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

Rules filed as emergency rules may be effective not less than ten days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

All emergency rules must state the period during which they are in effect, and in no case can they be in effect more than 180 calendar days or 30 legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

**Title 20—DEPARTMENT OF INSURANCE
Division 100—Division of Consumer Affairs
Chapter 6—Privacy of Consumer Information**

EMERGENCY RULE

20 CSR 100-6.100 Privacy of Financial Information

PURPOSE: The purpose of this rule is to effectuate, interpret and carry out the provisions of House Bill No. 801, 91st General Assembly, 1st Regular Session (2001) and the provisions of Senate Bill No. 382, 91st General Assembly, 1st Regular Session (2001), regarding the disclosure of nonpublic personal information by licensees of the director.

EMERGENCY STATEMENT: H.B. 801, 91st General Assembly, 1st Regular Session (2001) and Senate Bill No. 382, 91st General Assembly, 1st Regular Session (2001) were enacted as emergency measures for the immediate preservation of the public health, welfare, peace and safety to prohibit disclosure of personal financial information in violation of Title V, Subtitle A—Disclosure of Nonpublic Personal Information, of the federal statute known as the Gramm-Leach-Bliley Act Financial Modernization Act of 1999 (15 U.S.C. 6801 to 6809). Those bills become effective on July 1, 2001. There are no regulations federal or otherwise interpreting Title V as it applies to the insurance industry, even though Title V did apply to the insurance industry upon enactment, because

Congress specifically left this regulatory and enforcement task to the states. H.B. 801 and S.B. 382, in addition to requiring insurance licensees to comply with Title V, authorize the director to fill this regulatory void through rules not more restrictive than standards contained in Title V. In addition, H.B. 801 and S.B. 382 require compliance with Title V immediately, except for some of the notice provisions.

Failure to comply with Title V subjects the director's licensees to discipline, yet the industry has no industry-specific regulations to follow. Moreover, Missouri consumers have no insurance industry specific standards to rely upon respecting the disclosure of their non-public personal information. Therefore, both the public and licensees have an immediate need for the director to interpret and to carry out the provisions of the bills as they apply to the insurance industry. The director, therefore, finds that the adoption of this Emergency Rule is necessary to prevent immediate danger to the public health, safety, and welfare, which can be met only through the adoption of this emergency rule, resulting from the new statutes becoming effective without corresponding industry specific rules for licensees to follow.

On October 11, 2000, the director issued Bulletin 00-03 in response to industry concern that although the federal functional regulators had implemented a stay until July 1, 2001, for compliance with Title V, no one had given the insurance industry a similar stay. The bulletin advised the insurance industry that should the director be given statutory authority to adopt rules to carry out the provisions of Title V, the director intended to stay compliance until July 1, 2001. The bulletin further advised that the NAIC model "Privacy of Consumer Financial and Health Information Regulation" adopted by the NAIC on September 26, 2000 offered a useful guide for those wishing to be in compliance with any regulation that might be promulgated on or before July 1, 2001. The bulletin was mailed to all authorized Missouri carriers within days of its issuance and was posted on the department's web site on the date of its issuance. Since that time the department has consistently advised those asking for compliance guidance to look to the NAIC model regulation. It has received comments from industry regarding the appropriateness of parts of the NAIC model regulation.

This emergency rule is substantially similar, except for the deletion of Article V, to the NAIC's model "Privacy of Consumer Financial and Health Information Regulation" adopted by the NAIC on September 26, 2000, after considerable opportunity for comment by the insurance industry.

*The director intends to promulgate a proposed rule, substantially the same as this emergency regulation, soon after filing this regulation. That process will afford both the public and the industry an opportunity to comment. Based on the foregoing, the director finds that the department limited this emergency rule in scope to the circumstance creating the emergency and complied with the protection extended by the *Missouri* and *United States Constitutions*. The director further finds that the department followed procedures best calculated to be fair to all interested persons and parties under the circumstances in the making and adoption of this emergency rule.*

This emergency rule, filed and adopted on June 21, 2001, shall become effective on July 1, 2001, and shall expire on December 28, 2001.

(1) Definitions. As used in this rule, unless the context requires otherwise:

(A) "Affiliate" means any company that controls, is controlled by or is under common control with another company.

(B) "Clear and conspicuous" means that a notice is reasonably understandable and designed to call attention to the nature and significance of the information in the notice. For example:

1. Reasonably understandable. A licensee makes its notice reasonably understandable if it:

A. Presents the information in the notice in clear, concise sentences, paragraphs, and sections;

B. Uses short explanatory sentences or bullet lists whenever possible;

C. Uses definite, concrete, everyday words and active voice whenever possible;

D. Avoids multiple negatives;

E. Avoids legal and highly technical business terminology whenever possible; and

F. Avoids explanations that are imprecise and readily subject to different interpretations.

2. Designed to call attention. A licensee designs its notice to call attention to the nature and significance of the information in it if the licensee:

A. Uses a plain-language heading to call attention to the notice;

B. Uses a typeface and type size that are easy to read;

C. Provides wide margins and ample line spacing;

D. Uses boldface or italics for key words; and

E. In a form that combines the licensee's notice with other information, uses distinctive type size, style, and graphic devices, such as shading or sidebars.

3. Notices on web sites. If a licensee provides a notice on a web page, the licensee designs its notice to call attention to the nature and significance of the information in it if the licensee uses text or visual cues to encourage scrolling down the page if necessary to view the entire notice and ensure that other elements on the web site (such as text, graphics, hyperlinks or sound) do not distract attention from the notice, and the licensee either:

A. Places the notice on a screen that consumers frequently access, such as a page on which transactions are conducted; or

B. Places a link on a screen that consumers frequently access, such as a page on which transactions are conducted, that connects directly to the notice and is labeled appropriately to convey the importance, nature and relevance of the notice.

(C) "Collect" means to obtain information that the licensee organizes or can retrieve by the name of an individual or by identifying number, symbol or other identifying particular assigned to the individual, irrespective of the source of the underlying information.

(D) "Director" means the Director of the Missouri Department of Insurance.

(E) "Company" means a corporation, limited liability company, business trust, general or limited partnership, association, sole proprietorship or similar organization.

(F) "Consumer" means an individual who seeks to obtain, obtains or has obtained an insurance product or service from a licensee that is to be used primarily for personal, family or household purposes, and about whom the licensee has nonpublic personal information, or that individual's legal representative. For example:

1. An individual who provides nonpublic personal information to a licensee in connection with obtaining or seeking to obtain financial, investment or economic advisory services relating to an insurance product or service is a consumer regardless of whether the licensee establishes an ongoing advisory relationship.

2. An applicant for insurance prior to the inception of insurance coverage is a licensee's consumer.

3. An individual who is a consumer of another financial institution is not a licensee's consumer solely because the licensee is acting as agent for, or provides processing or other services to, that financial institution.

4. An individual is a licensee's consumer if:

A. The individual is:

(I) A beneficiary of a life insurance policy underwritten by the licensee;

(II) A claimant under an insurance policy issued by the licensee;

(III) An insured or an annuitant under an insurance policy or an annuity, respectively, issued by the licensee;

(IV) A mortgagor of a mortgage covered under a mortgage insurance policy; and

B. The licensee discloses nonpublic personal financial information about the individual to a nonaffiliated third party other than as permitted under subsections (4)(A), (4)(B), and (4)(C) of this rule.

5. Provided that the licensee provides the initial, annual and revised notices under subsections (2)(A), (2)(B), (2)(E) of this rule to the plan sponsor, group or blanket insurance policyholder or group annuity contractholder, and further provided that the licensee does not disclose to a nonaffiliated third party nonpublic personal financial information about such an individual other than as permitted under subsections (4)(A), (4)(B), and (4)(C) of this rule, an individual is not the consumer of the licensee solely because he or she is:

A. A participant or a beneficiary of an employee benefit plan that the licensee administers or sponsors or for which the licensee acts as a trustee, insurer or fiduciary;

B. Covered under a group or blanket insurance policy or group annuity contract issued by the licensee.

6. The individuals described in subparagraphs (1)(F)5.A. through (1)(F)5.C. are consumers of a licensee if the licensee does not meet all the conditions of paragraph (1)(F)5. In no event shall the individuals, solely by virtue of the status described in subparagraphs (1)(F)5.A. through (1)(F)5.C. of this subsection, be deemed to be customers for purposes of this rule.

7. An individual is not a licensee's consumer solely because he or she is a beneficiary of a trust for which the licensee is a trustee.

8. An individual is not a licensee's consumer solely because he or she has designated the licensee as trustee for a trust.

(G) "Consumer reporting agency" has the same meaning as in Section 603(f) of the federal Fair Credit Reporting Act (15 U.S.C. 1681a(f)).

(H) "Control" means:

1. Ownership, control or power to vote twenty-five percent (25%) or more of the outstanding shares of any class of voting security of the company, directly or indirectly, or acting through one or more other persons;

2. Control in any manner over the election of a majority of the directors, trustees or general partners (or individuals exercising similar functions) of the company; or

3. The power to exercise, directly or indirectly, a controlling influence over the management or policies of the company, as the commissioner determines.

(I) "Customer" means a consumer who has a customer relationship with a licensee.

(J) "Customer relationship" means a continuing relationship between a consumer and a licensee under which the licensee provides one or more insurance products or services to the consumer that are to be used primarily for personal, family or household purposes. Examples.

1. A consumer has a continuing relationship with a licensee if:

A. The consumer is a current policyholder of an insurance product issued by or through the licensee; or

B. The consumer obtains financial, investment or economic advisory services relating to an insurance product or service from the licensee for a fee.

2. A consumer does not have a continuing relationship with a licensee if:

A. The consumer applies for insurance but does not purchase the insurance;

B. The licensee sells the consumer airline travel insurance in an isolated transaction;

C. The individual is no longer a current policyholder of an insurance product or no longer obtains insurance services with or through the licensee;

D. The consumer is a beneficiary or claimant under a policy and has submitted a claim under a policy choosing a settlement option involving an ongoing relationship with the licensee;

E. The consumer is a beneficiary or a claimant under a policy and has submitted a claim under that policy choosing a lump sum settlement option;

F. The customer's policy is lapsed, expired, or otherwise inactive or dormant under the licensee's business practices, and the licensee has not communicated with the customer about the relationship for a period of twelve (12) consecutive months, other than annual privacy notices, material required by law or rule, communication at the direction of a state or federal authority, or promotional materials;

G. The individual is an insured or an annuitant under an insurance policy or annuity, respectively, but is not the policyholder or owner of the insurance policy or annuity; or

H. For the purposes of this rule, the individual's last known address according to the licensee's records is deemed invalid. An address of record is deemed invalid if mail sent to that address by the licensee has been returned by the postal authorities as undeliverable and if subsequent attempts by the licensee to obtain a current valid address for the individual have been unsuccessful.

(K) "Financial institution" means any institution the business of which is engaging in activities that are financial in nature or incidental to such financial activities as described in Section 4(k) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(k)).

1. Financial institution does not include:

A. Any person or entity with respect to any financial activity that is subject to the jurisdiction of the Commodity Futures Trading Commission under the Commodity Exchange Act (7 U.S.C. 1 et seq.);

B. The Federal Agricultural Mortgage Corporation or any entity charged and operating under the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.); or

C. Institutions chartered by Congress specifically to engage in securitizations, secondary market sales (including sales of servicing rights) or similar transactions related to a transaction of a consumer, as long as the institutions do not sell or transfer nonpublic personal information to a nonaffiliated third party.

(L) "Financial product of service" means any product or service that a financial holding company could offer by engaging in an activity that is financial in nature or incidental to such a financial activity under Section 4(k) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(k)). Financial service includes a financial institution's evaluation or brokerage of information that the financial institution collects in connection with a request or an application from a consumer for a financial product or service.

(M) "Insurance product or service" means any product or service that is offered by a licensee pursuant to the insurance laws of this state. Insurance service includes a licensee's evaluation, brokerage or distribution of information that the licensee collects in connection with a request or an application from a consumer for an insurance product or service.

(N) "Licensee" means all licensed insurers, producers and other persons licensed or required to be licensed, or authorized or required to be authorized, or registered or required to be registered by the director pursuant to the laws of this state.

1. A licensee is not subject to the notice and opt out requirements for nonpublic personal financial information set forth in sections (1), (2), (3), and (4) of this rule if the licensee is an employee, agent or other representative of another licensee ("the principal") and:

A. The principal otherwise complies with, and provides the notices required by, the provisions of this rule; and

B. The licensee does not disclose any nonpublic personal information to any person other than the principal or its affiliates in a manner permitted by this rule.

2. Nonadmitted insurers.

A. Subject to subparagraph (1)(N)1.B., "licensee" shall also include a non-admitted insurer that accepts business placed through a licensed surplus lines broker in this state, but only in regard to the surplus lines placements placed pursuant to Chapter 384, RSMo.

B. A surplus lines broker or surplus lines insurer shall be deemed to be in compliance with the notice and opt out requirements for nonpublic personal financial information set forth in sections (1), (2), (3), and (4) of this rule provided:

(I) The broker or insurer does not disclose nonpublic personal information of a consumer or a customer to nonaffiliated third parties for any purpose, including joint servicing or marketing under subsection (4)(A) of this rule, except as permitted by subsections (4)(B) or (4)(C) of this rule; and

(II) The broker or insurer delivers a notice to the consumer at the time a customer relationship is established on which the following is printed in 16-point type:

PRIVACY NOTICE

"NEITHER THE U.S. BROKERS THAT HANDLED THIS INSURANCE NOR THE INSURERS THAT HAVE UNDERWRITTEN THIS INSURANCE WILL DISCLOSE NON-PUBLIC PERSONAL INFORMATION CONCERNING THE BUYER TO NONAFFILIATES OF THE BROKERS OR INSURERS EXCEPT AS PERMITTED BY LAW.

(O) "Nonaffiliated third party"

1. "Nonaffiliated third party" means any person except:

A. A licensee's affiliate; or

B. A person employed jointly by a licensee and any company that is not the licensee's affiliate (but nonaffiliated third party includes the other company that jointly employs the person).

2. Nonaffiliated third party includes any company that is an affiliate solely by virtue of the direct or indirect ownership or control of the company by the licensee or its affiliate in conducting merchant banking or investment banking activities of the type described in Section 4(k)(4)(H) or insurance company investment activities of the type described in Section 4(k)(4)(I) of the federal Bank Holding Company Act (12 U.S.C. 1843(k)(4)(H) and (I)).

(P) "Nonpublic personal information" means nonpublic personal financial information.

(Q) "Nonpublic personal financial information"

1. "Nonpublic personal financial information" means:

A. Personally identifiable financial information; and

B. Any list, description or other grouping of consumers (and publicly available information pertaining to them) that is derived using any personally identifiable financial information that is not publicly available.

2. Nonpublic personal financial information does not include:

A. Publicly available information, except as included on a list described in subparagraph (1)(Q)1.B.; or

B. Any list, description or other grouping of consumers (and publicly available information pertaining to them) that is derived without using any personally identifiable financial information that is not publicly available.

(I) Examples of lists.

(a) Nonpublic personal financial information includes any list of individuals' names and street addresses that is derived

in whole or in part using personally identifiable financial information that is not publicly available, such as account numbers.

(b) Nonpublic personal financial information does not include any list of individuals' names and addresses that contains only publicly available information, is not derived in whole or in part using personally identifiable financial information that is not publicly available, and is not disclosed in a manner that indicates that any of the individuals on the list is a consumer of a financial institution.

(R) "Personally identifiable financial information."

1. "Personally identifiable financial information" means any information:

A. A consumer provides to a licensee to obtain an insurance product or service from the licensee;

B. About a consumer resulting from a transaction involving an insurance product or service between a licensee and a consumer; or

C. The licensee otherwise obtains about a consumer in connection with providing an insurance product or service to that consumer.

2. Examples.

A. Information included. Personally identifiable financial information includes:

(I) Information a consumer provides to a licensee on an application to obtain an insurance product or service;

(II) Account balance information and payment history;

(III) The fact that an individual is or has been one of the licensee's customers or has obtained an insurance product or service from the licensee;

(IV) Any information about the licensee's consumer if it is disclosed in a manner that indicates that the individual is or has been the licensee's consumer;

(V) Any information that a consumer provides to a licensee or that the licensee or its agent otherwise obtains in connection with collecting on a loan or servicing a loan;

(VI) Any information the licensee collects through an Internet cookie (an information-collecting device from a web server); and

(VII) Information from a consumer report.

B. Information not included. Personally identifiable financial information does not include:

(I) A list of names and addresses of customers of an entity that is not a financial institution; and

(II) Information that does not identify a consumer, such as aggregate information or blind data that does not contain personal identifiers such as account numbers, names or addresses.

(S) "Publicly available information."

1. "Publicly available information" means any information that a licensee has a reasonable basis to believe is lawfully made available to the general public from:

A. Federal, state or local government records;

B. Widely distributed media; or

C. Disclosures to the general public that are required to be made by federal, state or local law.

2. Reasonable basis. A licensee has a reasonable basis to believe that information is lawfully made available to the general public if the licensee has taken steps to determine:

A. That the information is of the type that is available to the general public; and

B. Whether an individual can direct that the information not be made available to the general public and, if so, that the licensee's consumer has not done so.

3. Examples.

A. Government records. Publicly available information in government records includes information in government real estate records and security interest filings.

B. Widely distributed media. Publicly available information from widely distributed media includes information from a tele-

phone book, a television or radio program, a newspaper or a web site that is available to the general public on an unrestricted basis. A web site is not restricted merely because an Internet service provider or a site operator requires a fee or a password, so long as access is available to the general public.

C. Reasonable basis.

(I) A licensee has a reasonable basis to believe that mortgage information is lawfully made available to the general public if the licensee has determined that the information is of the type included on the public record in the jurisdiction where the mortgage would be recorded.

(II) A licensee has a reasonable basis to believe that an individual's telephone number is lawfully made available to the general public if the licensee has located the telephone number in the telephone book or the consumer has informed you that the telephone number is not unlisted.

(2) Privacy and opt out notices for financial information.

(A) Initial Privacy Notice to Consumers Required.

1. Initial notice requirement. A licensee shall provide a clear and conspicuous notice that accurately reflects its privacy policies and practices to:

A. Customer. An individual who becomes the licensee's customer, not later than when the licensee establishes a customer relationship, except as provided in paragraph (2)(A)5.; and

B. Consumer. A consumer, before the licensee discloses any nonpublic personal financial information about the consumer to any nonaffiliated third party, if the licensee makes a disclosure other than as authorized by subsections (4)(B) and (4)(C).

2. When initial notice to a consumer is not required. A licensee is not required to provide an initial notice to a consumer under subparagraph (2)(A)1.B. if:

A. The licensee does not disclose any nonpublic personal financial information about the consumer to any nonaffiliated third party, other than as authorized by subsections (4)(B) and (4)(C), and the licensee does not have a customer relationship with the consumer; or

B. A notice has been provided by an affiliated licensee, as long as the notice clearly identifies all licensees to whom the notice applies and is accurate with respect to the licensee and the other institutions.

3. When the licensee establishes a customer relationship.

A. General rule. A licensee establishes a customer relationship at the time the licensee and the consumer enter into a continuing relationship.

B. Examples of establishing customer relationship. A licensee establishes a customer relationship when the consumer:

(I) Becomes a policyholder of a licensee that is an insurer when the insurer delivers an insurance policy or contract to the consumer, or in the case of a licensee that is an insurance producer or insurance broker, obtains insurance through that licensee; or

(II) Agrees to obtain financial, economic or investment advisory services relating to insurance products or services for a fee from the licensee.

4. Existing customers. When an existing customer obtains a new insurance product or service from a licensee that is to be used primarily for personal, family or household purposes, the licensee satisfies the initial notice requirements of paragraph (2)(A)1. as follows:

A. The licensee may provide a revised policy notice, under subsection (2)(E), that covers the customer's new insurance product or service; or

B. If the initial, revised or annual notice that the licensee most recently provided to that customer was accurate with respect to the new insurance product or service, the licensee does not need to provide a new privacy notice under subsection (2)(A)1.

5. Exceptions to allow subsequent delivery of notice.

A. A licensee may provide the initial notice required by paragraph (2)(A)1. of this section within a reasonable time after the licensee establishes a customer relationship if:

(I) Establishing the customer relationship is not at the customer's election; or

(II) Providing notice not later than when the licensee establishes a customer relationship would substantially delay the customer's transaction and the customer agrees to receive the notice at a later time.

B. Examples of exceptions.

(I) Not at customer's election. Establishing a customer relationship is not at the customer's election if a licensee acquires or is assigned a customer's policy from another financial institution or residual market mechanism and the customer does not have a choice about the licensee's acquisition or assignment.

(II) Substantial delay of customer's transaction. Providing notice not later than when a licensee establishes a customer relationship would substantially delay the customer's transaction when the licensee and the individual agree over the telephone to enter into a customer relationship involving prompt delivery of the insurance product or service.

(III) No substantial delay of customer's transaction. Providing notice not later than when a licensee establishes a customer relationship would not substantially delay the customer's transaction when the relationship is initiated in person at the licensee's office or through other means by which the customer may view the notice, such as on a web site.

6. Delivery. When a licensee is required to deliver an initial privacy notice by this section, the licensee shall deliver it according to subsection (2)(F). If the licensee uses a short-form initial notice for non-customers according to paragraph (2)(C)4., the licensee may deliver its privacy notice according to subparagraph (2)(C)4.C.

(B) Annual Privacy Notice to Customers Required.

1. General rule. A licensee shall provide a clear and conspicuous notice to customers that accurately reflects its privacy policies and practices not less than annually during the continuation of the customer relationship. Annually means at least once in any period of twelve (12) consecutive months during which that relationship exists. A licensee may define the twelve-consecutive-month period, but the licensee shall apply it to the customer on a consistent basis.

2. Example. A licensee provides a notice annually if it defines the twelve-consecutive-month period as a calendar year and provides the annual notice to the customer once in each calendar year following the calendar year in which the licensee provided the initial notice. For example, if a customer opens an account on any day of year 1, the licensee shall provide an annual notice to that customer by December 31 of year 2.

3. Termination of customer relationship. A licensee is not required to provide an annual notice to a former customer. A former customer is an individual with whom a licensee no longer has a continuing relationship.

A. Examples.

(I) A licensee no longer has a continuing relationship with an individual if the individual no longer is a current policyholder of an insurance product or no longer obtains insurance services with or through the licensee.

(II) A licensee no longer has a continuing relationship with an individual if the individual's policy is lapsed, expired or otherwise inactive or dormant under the licensee's business practices, and the licensee has not communicated with the customer about the relationship for a period of twelve (12) consecutive months, other than to provide annual privacy notices, material required by law or rule, or promotional materials.

(III) For the purposes of this rule, a licensee no longer has a continuing relationship with an individual if the individual's last known address according to the licensee's records is deemed

invalid. An address of record is deemed invalid if mail sent to that address by the licensee has been returned by the postal authorities as undeliverable and if subsequent attempts by the licensee to obtain a current valid address for the individual have been unsuccessful.

(IV) A licensee no longer has a continuing relationship with a customer in the case of providing real estate settlement services, at the time the customer completes execution of all documents related to the real estate closing, payment for those services has been received, or the licensee has completed all of its responsibilities with respect to the settlement, including filing documents on the public record, whichever is later.

4. Delivery. When a licensee is required by this section to deliver an annual privacy notice, the licensee shall deliver it according to subsection (2)(F).

(C) Information to be Included in Privacy Notices.

1. General rule. The initial, annual and revised privacy notices that a licensee provides under subsections (2)(A), (2)(B) and (2)(E) shall include each of the following items of information, in addition to any other information the licensee wishes to provide, that applies to the licensee and to the consumers to whom the licensee sends its privacy notice:

A. The categories of nonpublic personal financial information that the licensee collects;

B. The categories of nonpublic personal financial information that the licensee discloses;

C. The categories of affiliates and nonaffiliated third parties to whom the licensee discloses nonpublic personal financial information, other than those parties to whom the licensee discloses information under subsections (4)(B) and (4)(C);

D. The categories of nonpublic personal financial information about the licensee's former customers that the licensee discloses and the categories of affiliates and nonaffiliated third parties to whom the licensee discloses nonpublic personal financial information about the licensee's former customers, other than those parties to whom the licensee discloses information under subsections (4)(B) and (4)(C);

E. If a licensee discloses nonpublic personal financial information to a nonaffiliated third party under subsection (4)(A) (and no other exception in subsections (4)(B) and (4)(C) applies to that disclosure), a separate description of the categories of information the licensee discloses and the categories of third parties with whom the licensee has contracted;

F. An explanation of the consumer's right under paragraph (3)(A)1. to opt out of the disclosure of nonpublic personal financial information to nonaffiliated third parties, including the methods by which the consumer may exercise that right at that time;

G. Any disclosures that the licensee makes under Section 603(d)(2)(A)(iii) of the federal Fair Credit Reporting Act (15 U.S.C. 1681a(d)(2)(A)(iii)) (that is, notices regarding the ability to opt out of disclosures of information among affiliates);

H. The licensee's policies and practices with respect to protecting the confidentiality and security of nonpublic personal information; and

I. Any disclosure that the licensee makes under paragraph (2)(C)2.

2. Description of parties subject to exceptions. If a licensee discloses nonpublic personal financial information as authorized under subsections (4)(B) and (4)(C), the licensee is not required to list those exceptions in the initial or annual privacy notices required by subsections (2)(A) and (2)(B). When describing the categories of parties to whom disclosure is made, the licensee is required to state only that it makes disclosures to other affiliated or nonaffiliated third parties, as applicable, as permitted by law.

3. Examples.

A. Categories of nonpublic personal financial information that the licensee collects. A licensee satisfies the requirement to categorize the nonpublic personal financial information it collects

if the licensee categorizes it according to the source of the information, as applicable:

- (I) Information from the consumer;
- (II) Information about the consumer's transactions with the licensee or its affiliates;
- (III) Information about the consumer's transactions with nonaffiliated third parties; and
- (IV) Information from a consumer reporting agency.

B. Categories of nonpublic personal financial information a licensee discloses.

(I) A licensee satisfies the requirement to categorize nonpublic personal financial information it discloses if the licensee categorizes the information according to source, as described in subparagraph (2)(C)3.A., as applicable, and provides a few examples to illustrate the types of information in each category. These might include:

- (a) Information from the consumer, including application information, such as assets and income and identifying information, such as name, address and social security number;
- (b) Transaction information, such as information about balances, payment history and parties to the transaction; and
- (c) Information from consumer reports, such as a consumer's creditworthiness and credit history.

(II) A licensee does not adequately categorize the information that it discloses if the licensee uses only general terms, such as transaction information about the consumer.

(a) If a licensee reserves the right to disclose all of the nonpublic personal financial information about consumers that it collects, the licensee may simply state that fact without describing the categories or examples of nonpublic personal information that the licensee discloses.

C. Categories of affiliates and nonaffiliated third parties to whom the licensee discloses.

(I) A licensee satisfies the requirement to categorize the affiliates and nonaffiliated third parties to which the licensee discloses nonpublic personal financial information about consumers if the licensee identifies the types of businesses in which they engage.

(II) Types of businesses may be described by general terms only if the licensee uses a few illustrative examples of significant lines of business. For example, a licensee may use the term financial products or services if it includes appropriate examples of significant lines of businesses, such as life insurer, automobile insurer, consumer banking or securities brokerage.

(III) A licensee also may categorize the affiliates and nonaffiliated third parties to which it discloses nonpublic personal financial information about consumers using more detailed categories.

D. Disclosures under exception for service providers and joint marketers. If a licensee discloses nonpublic personal financial information under the exception in subsection (4)(A) to a nonaffiliated third party to market products or services that it offers alone or jointly with another financial institution, the licensee satisfies the disclosure requirement of subparagraph (2)(C)1.E. if it:

(I) Lists the categories of nonpublic personal financial information it discloses, using the same categories and examples the licensee used to meet the requirements of subparagraph (2)(C)1.B., as applicable; and

(II) States whether the third party is:

(a) A service provider that performs marketing services on the licensee's behalf or on behalf of the licensee and another financial institution; or

(b) A financial institution with whom the licensee has a joint marketing agreement.

E. Simplified notices. If a licensee does not disclose, and does not wish to reserve the right to disclose, nonpublic personal financial information about customers or former customers to affiliates or nonaffiliated third parties except as authorized under

subsections (4)(B) and (4)(C), the licensee may simply state that fact, in addition to the information it shall provide under subparagraphs (2)(C)1.A., (2)(C)1.H., (2)(C)1.I., and paragraph (2)(C)2.

F. Confidentiality and security. A licensee describes its policies and practices with respect to protecting the confidentiality and security of nonpublic personal financial information if it does both of the following:

(I) Describes in general terms who is authorized to have access to the information; and

(II) States whether the licensee has security practices and procedures in place to ensure the confidentiality of the information in accordance with the licensee's policy. The licensee is not required to describe technical information about the safeguards it uses.

4. Short-form initial notice with opt out notice for non-customers.

A. A licensee may satisfy the initial notice requirements in subparagraph (2)(A)1.B. and paragraph (2)(D)4. for a consumer who is not a customer by providing a short-form initial notice at the same time as the licensee delivers an opt out notice as required in subsection (2)(D).

B. A short-form initial notice shall:

- (I) Be clear and conspicuous;
- (II) State that the licensee's privacy notice is available upon request; and
- (III) Explain a reasonable means by which the consumer may obtain that notice.

C. The licensee shall deliver its short-form initial notice according to subsection (2)(F). The licensee is not required to deliver its privacy notice with its short-form initial notice. The licensee instead may simply provide the consumer a reasonable means to obtain its privacy notice. If a consumer who receives the licensee's short-form notice requests the licensee's privacy notice, the licensee shall deliver its privacy notice according to subsection (2)(F).

D. Examples of obtaining privacy notice. The licensee provides a reasonable means by which a consumer may obtain a copy of its privacy notice if the licensee:

(I) Provides a toll-free telephone number that the consumer may call to request the notice; or

(II) For a consumer who conducts business in person at the licensee's office, maintains copies of the notice on hand that the licensee provides to the consumer immediately upon request.

5. Future disclosures. The licensee's notice may include:

A. Categories of nonpublic personal financial information that the licensee reserves the right to disclose in the future, but does not currently disclose; and

B. Categories of affiliates or nonaffiliated third parties to whom the licensee reserves the right in the future to disclose, but to whom the licensee does not currently disclose, nonpublic personal financial information.

6. Sample clauses. Sample clauses illustrating some of the notice content required by this section are included in Appendix A of this rule.

(D) Form of Opt Out Notice to Consumers and Opt Out Methods.

1. Form of opt out notice. If a licensee is required to provide an opt out notice under paragraph (3)(A)1., it shall provide a clear and conspicuous notice to each of its consumers that accurately explains the right to opt out under that section. The notice shall state:

A. That the licensee discloses or reserves the right to disclose nonpublic personal financial information about its consumer to a nonaffiliated third party;

B. That the consumer has the right to opt out of that disclosure; and

C. A reasonable means by which the consumer may exercise the opt out right.

2. Examples.

A. Adequate opt out notice. A licensee provides adequate notice that the consumer can opt out of the disclosure of nonpublic personal financial information to a nonaffiliated third party if the licensee:

(I) Identifies all of the categories of nonpublic personal financial information that it discloses or reserves the right to disclose, and all of the categories of nonaffiliated third parties to which the licensee discloses the information, as described in subparagraphs (2)(C)1.B. and (2)(C)1.C., and states that the consumer can opt out of the disclosure of that information; and

(II) Identifies the insurance products or services that the consumer obtains from the licensee, either singly or jointly, to which the opt out direction would apply.

B. Reasonable opt out means. A licensee provides a reasonable means to exercise an opt out right if it:

(I) Designates check-off boxes in a prominent position on the relevant forms with the opt out notice;

(II) Includes a reply form together with the opt out notice;

(III) Provides an electronic means to opt out, such as a form that can be sent via electronic mail or a process at the licensee's web site, if the consumer agrees to the electronic delivery of information; or

(IV) Provides a toll-free telephone number that consumers may call to opt out.

C. Unreasonable opt out means. A licensee does not provide a reasonable means of opting out if:

(I) The only means of opting out is for the consumer to write his or her own letter to exercise that opt out right; or

(II) The only means of opting out as described in any notice subsequent to the initial notice is to use a check-off box that the licensee provided with the initial notice but did not include with the subsequent notice.

D. Specific opt out means. A licensee may require each consumer to opt out through a specific means, as long as that means is reasonable for that consumer.

3. Same form as initial notice permitted. A licensee may provide the opt out notice together with or on the same written or electronic form as the initial notice the licensee provides in accordance with subsection (2)(A).

4. Initial notice required when opt out notice delivered subsequent to initial notice. If a licensee provides the opt out notice later than required for the initial notice in accordance with subsection (2)(A), the licensee shall also include a copy of the initial notice with the opt out notice in writing or, if the consumer agrees, electronically.

5. Joint relationships.

A. If two (2) or more consumers jointly obtain an insurance product or service from a licensee, the licensee may provide a single opt out notice. The licensee's opt out notice shall explain how the licensee will treat an opt out direction by a joint consumer (as explained in subparagraph (2)(D)5.E.).

B. Any of the joint consumers may exercise the right to opt out. The licensee may either:

(I) Treat an opt out direction by a joint consumer as applying to all of the associated joint consumers; or

(II) Permit each joint consumer to opt out separately.

C. If a licensee permits each joint consumer to opt out separately, the licensee shall permit one of the joint consumers to opt out on behalf of all of the joint consumers.

D. A licensee may not require all joint consumers to opt out before it implements any opt out direction.

E. Example. If John and Mary are both named policyholders on a homeowner's insurance policy issued by a licensee and the licensee sends policy statements to John's address, the licensee may do any of the following, but it shall explain in its opt out notice which opt out policy the licensee will follow:

(I) Send a single opt out notice to John's address, but the licensee shall accept an opt out direction from either John or Mary.

(II) Treat an opt out direction by either John or Mary as applying to the entire policy. If the licensee does so and John opts out, the licensee may not require Mary to opt out as well before implementing John's opt out direction.

(III) Permit John and Mary to make different opt out directions. If the licensee does so:

(a) It shall permit John and Mary to opt out for each other;

(b) If both opt out, the licensee shall permit both of them to notify it in a single response (such as on a form or through a telephone call); and

(c) If John opts out and Mary does not, the licensee may only disclose nonpublic personal financial information about Mary, but not about John and not about John and Mary jointly.

6. Time to comply with opt out. A licensee shall comply with a consumer's opt out direction as soon as reasonably practicable after the licensee receives it.

7. Continuing right to opt out. A consumer may exercise the right to opt out at any time.

8. Duration of consumer's opt out direction.

A. A consumer's direction to opt out under this section is effective until the consumer revokes it in writing or, if the consumer agrees, electronically.

B. When a customer relationship terminates, the customer's opt out direction continues to apply to the nonpublic personal financial information that the licensee collected during or related to that relationship. If the individual subsequently establishes a new customer relationship with the licensee, the opt out direction that applied to the former relationship does not apply to the new relationship.

9. Delivery. When a licensee is required to deliver an opt out notice by this section, the licensee shall deliver it according to subsection (2)(F).

(E) Revised Privacy Notices.

1. General rule. Except as otherwise authorized in this rule, a licensee shall not, directly or through an affiliate, disclose any nonpublic personal financial information about a consumer to a nonaffiliated third party other than as described in the initial notice that the licensee provided to that consumer under subsection (2)(A), unless:

A. The licensee has provided to the consumer a clear and conspicuous revised notice that accurately describes its policies and practices;

B. The licensee has provided to the consumer a new opt out notice;

C. The licensee has given the consumer a reasonable opportunity, before the licensee discloses the information to the nonaffiliated third party, to opt out of the disclosure; and

D. The consumer does not opt out.

2. Examples.

A. Except as otherwise permitted by subsections (4)(A), (4)(B), and (4)(C), a licensee shall provide a revised notice before it:

(I) Discloses a new category of nonpublic personal financial information to any nonaffiliated third party;

(II) Discloses nonpublic personal financial information to a new category of nonaffiliated third party; or

(III) Discloses nonpublic personal financial information about a former customer to a nonaffiliated third party, if that former customer has not had the opportunity to exercise an opt out right regarding that disclosure.

B. A revised notice is not required if the licensee discloses nonpublic personal financial information to a new nonaffiliated third party that the licensee adequately described in its prior notice.

3. Delivery. When a licensee is required to deliver a revised privacy notice by this section, the licensee shall deliver it according to subsection (2)(F).

(F) Delivery

1. How to provide notices. A licensee shall provide any notices that this rule requires so that each consumer can reasonably be expected to receive actual notice in writing or, if the consumer agrees, electronically.

2. Examples of reasonable expectation of actual notice. A licensee may reasonably expect that a consumer will receive actual notice if the licensee:

A. Hand-delivers a printed copy of the notice to the consumer;

B. Mails a printed copy of the notice to the last known address of the consumer separately, or in a policy, billing or other written communication;

C. For a consumer who conducts transactions electronically, posts the notice on the electronic site and requires the consumer to acknowledge receipt of the notice as a necessary step to obtaining a particular insurance product or service;

D. For an isolated transaction with a consumer, such as the licensee providing an insurance quote or selling the consumer travel insurance, posts the notice and requires the consumer to acknowledge receipt of the notice as a necessary step to obtaining the particular insurance product or service.

3. Examples of unreasonable expectation of actual notice. A licensee may not, however, reasonably expect that a consumer will receive actual notice of its privacy policies and practices if it:

A. Only posts a sign in its office or generally publishes advertisements of its privacy policies and practices; or

B. Sends the notice via electronic mail to a consumer who does not obtain an insurance product or service from the licensee electronically.

4. Annual notices only. A licensee may reasonably expect that a customer will receive actual notice of the licensee's annual privacy notice if:

A. The customer uses the licensee's web site to access insurance products and services electronically and agrees to receive notices at the web site and the licensee posts its current privacy notice continuously in a clear and conspicuous manner on the web site; or

B. The customer has requested that the licensee refrain from sending any information regarding the customer relationship, and the licensee's current privacy notice remains available to the customer upon request.

5. Oral description of notice insufficient. A licensee may not provide any notice required by this rule solely by orally explaining the notice, either in person or over the telephone.

6. Retention or accessibility of notices for customers.

A. For customers only, a licensee shall provide the initial notice required by subparagraph (2)(A)1.A., the annual notice required by paragraph (2)(B)1., and the revised notice required by subsection (2)(E) so that the customer can retain them or obtain them later in writing or, if the customer agrees, electronically.

B. Examples of retention or accessibility. A licensee provides a privacy notice to the customer so that the customer can retain it or obtain it later if the licensee:

(I) Hand-delivers a printed copy of the notice to the customer;

(II) Mails a printed copy of the notice to the last known address of the customer; or

(III) Makes its current privacy notice available on a web site (or a link to another web site) for the customer who obtains an insurance product or service electronically and agrees to receive the notice at the web site.

7. Joint notice with other financial institutions. A licensee may provide a joint notice from the licensee and one or more of its affiliates or other financial institutions, as identified in the notice,

as long as the notice is accurate with respect to the licensee and the other institutions. A licensee also may provide a notice on behalf of another financial institution.

8. Joint relationships. If two (2) or more consumers jointly obtain an insurance product or service from a licensee, the licensee may satisfy the initial, annual and revised notice requirements of paragraphs (2)(A)1., (2)(B)1. and (2)(E)1., respectively, by providing one notice to those consumers jointly.

(3) Limits on Disclosures of Financial Information.

(A) Limits on Disclosure of Nonpublic Personal Financial Information to Nonaffiliated Third Parties.

1. Conditions for disclosure. Except as otherwise authorized in this rule, a licensee may not, directly or through any affiliate, disclose any nonpublic personal financial information about a consumer to a nonaffiliated third party unless:

A. The licensee has provided to the consumer an initial notice as required under subsection (2)(A);

B. The licensee has provided to the consumer an opt out notice as required in subsection (2)(D);

C. The licensee has given the consumer a reasonable opportunity, before it discloses the information to the nonaffiliated third party, to opt out of the disclosure; and

D. The consumer does not opt out.

2. Opt out definition. Opt out means a direction by the consumer that the licensee not disclose nonpublic personal financial information about that consumer to a nonaffiliated third party, other than as permitted by subsections (4)(A), (4)(B), and (4)(C).

A. Examples of reasonable opportunity to opt out. A licensee provides a consumer with a reasonable opportunity to opt out if:

(I) By mail. The licensee mails the notices required in paragraph (3)(A)1. to the consumer and allows the consumer to opt out by mailing a form, calling a toll-free telephone number or any other reasonable means within thirty (30) days from the date the licensee mailed the notices.

(II) By electronic means. A customer opens an on-line account with a licensee and agrees to receive the notices required in paragraph (3)(A)1. electronically, and the licensee allows the customer to opt out by any reasonable means within thirty (30) days after the date that the customer acknowledges receipt of the notices in conjunction with opening the account.

(III) Isolated transaction with consumer. For an isolated transaction such as providing the consumer with an insurance quote, a licensee provides the consumer with a reasonable opportunity to opt out if the licensee provides the notices required in paragraph (3)(A)1. at the time of the transaction and requests that the consumer decide, as a necessary part of the transaction, whether to opt out before completing the transaction.

3. Application of opt out to all consumers and all nonpublic personal financial information.

A. A licensee shall comply with this section, regardless of whether the licensee and the consumer have established a customer relationship.

B. Unless a licensee complies with this section, the licensee may not, directly or through any affiliate, disclose any nonpublic personal financial information about a consumer that the licensee has collected, regardless of whether the licensee collected it before or after receiving the direction to opt out from the consumer.

4. Partial opt out. A licensee may allow a consumer to select certain nonpublic personal financial information or certain nonaffiliated third parties with respect to which the consumer wishes to opt out.

(B) Limits on Redislosure and Reuse of Nonpublic Personal Financial Information.

1. Information the licensee receives under an exception. If a licensee receives nonpublic personal financial information from a

nonaffiliated financial institution under an exception in subsections (4)(B) or (4)(C) of this rule, the licensee's disclosure and use of that information is limited as follows:

A. The licensee may disclose the information to the affiliates of the financial institution from which the licensee received the information;

B. The licensee may disclose the information to its affiliates, but the licensee's affiliates may, in turn, disclose and use the information only to the extent that the licensee may disclose and use the information; and

C. The licensee may disclose and use the information pursuant to an exception in subsections (4)(B) or (4)(C) of this rule, in the ordinary course of business to carry out the activity covered by the exception under which the licensee received the information.

(I) Example. If a licensee receives information from a nonaffiliated financial institution for claims settlement purposes, the licensee may disclose the information for fraud prevention, or in response to a properly authorized subpoena. The licensee may not disclose that information to a third party for marketing purposes or use that information for its own marketing purposes.

2. Information a licensee receives outside of an exception. If a licensee receives nonpublic personal financial information from a nonaffiliated financial institution other than under an exception in subsections (4)(B) or (4)(C) of this rule, the licensee may disclose the information only:

A. To the affiliates of the financial institution from which the licensee received the information;

B. To its affiliates, but its affiliates may, in turn, disclose the information only to the extent that the licensee may disclose the information; and

C. To any other person, if the disclosure would be lawful if made directly to that person by the financial institution from which the licensee received the information. Example: If a licensee obtains a customer list from a nonaffiliated financial institution outside of the exceptions in subsections (4)(B) or (4)(C):

(I) The licensee may use that list for its own purposes; and

(II) The licensee may disclose that list to another nonaffiliated third party only if the financial institution from which the licensee purchased the list could have lawfully disclosed the list to that third party. That is, the licensee may disclose the list in accordance with the privacy policy of the financial institution from which the licensee received the list, as limited by the opt out direction of each consumer whose nonpublic personal financial information the licensee intends to disclose, and the licensee may disclose the list in accordance with an exception in subsections (4)(B) or (4)(C), such as to the licensee's attorneys or accountants.

3. Information a licensee discloses under an exception. If a licensee discloses nonpublic personal financial information to a nonaffiliated third party under an exception in subsections (4)(B) or (4)(C) of this rule, the third party may disclose and use that information only as follows:

A. The third party may disclose the information to the licensee's affiliates;

B. The third party may disclose the information to its affiliates, but its affiliates may, in turn, disclose and use the information only to the extent that the third party may disclose and use the information; and

C. The third party may disclose and use the information pursuant to an exception in subsections (4)(B) or (4)(C) in the ordinary course of business to carry out the activity covered by the exception under which it received the information.

4. Information a licensee discloses outside of an exception. If a licensee discloses nonpublic personal financial information to a nonaffiliated third party other than under an exception in subsections (4)(B) or (4)(C) of this rule, the third party may disclose the information only:

A. To the licensee's affiliates;

B. To the third party's affiliates, but the third party's affiliates, in turn, may disclose the information only to the extent the third party can disclose the information; and

C. To any other person, if the disclosure would be lawful if the licensee made it directly to that person.

(C) Limits on Sharing Account Number Information for Marketing Purposes.

1. General prohibition on disclosure of account numbers. A licensee shall not, directly or through an affiliate, disclose, other than to a consumer reporting agency, a policy number or similar form of access number or access code for a consumer's policy or transaction account to any nonaffiliated third party for use in telemarketing, direct mail marketing or other marketing through electronic mail to the consumer.

2. Exceptions. Paragraph (3)(C)1. does not apply if a licensee discloses a policy number or similar form of access number or access code:

A. To the licensee's service provider solely in order to perform marketing for the licensee's own products or services, as long as the service provider is not authorized to directly initiate charges to the account;

B. To a licensee who is a producer solely in order to perform marketing for the licensee's own products or services; or

C. To a participant in an affinity or similar program where the participants in the program are identified to the customer when the customer enters into the program.

3. Examples.

A. Policy number. A policy number, or similar form of access number or access code, does not include a number or code in an encrypted form, as long as the licensee does not provide the recipient with a means to decode the number or code.

B. Policy or transaction account. For the purposes of this section, a policy or transaction account is an account other than a deposit account or a credit card account. A policy or transaction account does not include an account to which third parties cannot initiate charges.

(4) Exceptions to Limits on Disclosures of Financial Information.

(A) Exception to Opt Out Requirements for Disclosure of Nonpublic Personal Financial Information for Service Providers and Joint Marketing.

1. General rule.

A. The opt out requirements in subsections (2)(D) and (3)(A) do not apply when a licensee provides nonpublic personal financial information to a nonaffiliated third party to perform services for the licensee or functions on the licensee's behalf, if the licensee:

(I) Provides the initial notice in accordance with subsection (2)(A); and

(II) Enters into a contractual agreement with the third party that prohibits the third party from disclosing or using the information other than to carry out the purposes for which the licensee disclosed the information, including use under an exception in subsections (4)(B) or (4)(C) in the ordinary course of business to carry out those purposes.

B. Example. If a licensee discloses nonpublic personal financial information under this section to a financial institution with which the licensee performs joint marketing, the licensee's contractual agreement with that institution meets the requirements of part (4)(A)1.A.(II) if it prohibits the institution from disclosing or using the nonpublic personal financial information except as necessary to carry out the joint marketing or under an exception in subsections (4)(B) or (4)(C) in the ordinary course of business to carry out that joint marketing.

2. Service may include joint marketing. The services a nonaffiliated third party performs for a licensee under paragraph (4)(A)1. of this section may include marketing of the licensee's

own products or services or marketing of financial products or services offered pursuant to joint agreements between the licensee and one or more financial institutions.

3. Definition of "joint agreement." For purposes of this section, "joint agreement" means a written contract pursuant to which a licensee and one or more financial institutions jointly offer, endorse or sponsor a financial product or service.

(B) Exceptions to Notice and Opt Out Requirements for Disclosure of Nonpublic Personal Financial Information for Processing and Servicing Transactions.

1. Exceptions for processing transactions at consumer's request. The requirements for initial notice in subparagraph (2)(A)1.B., the opt out in subsections (2)(D) and (3)(A), and service providers and joint marketing in subsection (4)(A) do not apply if the licensee discloses nonpublic personal financial information as necessary to effect, administer or enforce a transaction that a consumer requests or authorizes, or in connection with:

A. Servicing or processing an insurance product or service that a consumer requests or authorizes;

B. Maintaining or servicing the consumer's account with a licensee, or with another entity as part of a private label credit card program or other extension of credit on behalf of such entity;

C. A proposed or actual securitization, secondary market sale (including sales of servicing rights) or similar transaction related to a transaction of the consumer; or

D. Reinsurance or stop loss or excess loss insurance.

2. "Necessary to effect, administer or enforce a transaction" means that the disclosure is:

A. Required, or is one of the lawful or appropriate methods, to enforce the licensee's rights or the rights of other persons engaged in carrying out the financial transaction or providing the product or service; or

B. Required, or is a usual, appropriate or acceptable method:

(I) To carry out the transaction or the product or service business of which the transaction is a part, and record, service or maintain the consumer's account in the ordinary course of providing the insurance product or service;

(II) To administer or service benefits or claims relating to the transaction or the product or service business of which it is a part;

(III) To provide a confirmation, statement or other record of the transaction, or information on the status or value of the insurance product or service to the consumer or the consumer's agent or broker;

(IV) To accrue or recognize incentives or bonuses associated with the transaction that are provided by a licensee or any other party;

(V) To underwrite insurance at the consumer's request or for any of the following purposes as they relate to a consumer's insurance: account administration, reporting, investigating or preventing fraud or material misrepresentation, processing premium payments, processing insurance claims, administering insurance benefits (including utilization review activities), participating in research projects or as otherwise required or specifically permitted by federal or state law; or

(VI) In connection with:

(a) The authorization, settlement, billing, processing, clearing, transferring, reconciling or collection of amounts charged, debited or otherwise paid using a debit, credit or other payment card, check or account number, or by other payment means;

(b) The transfer of receivables, accounts or interests therein; or

(c) The audit of debit, credit or other payment information.

(C) Other Exceptions to Notice and Opt Out Requirements for Disclosure of Nonpublic Personal Financial Information.

1. Exceptions to opt out requirements. The requirements for initial notice in subparagraph (2)(A)1.B., the opt out in subsections (2)(D) and (3)(A), and service providers and joint marketing in subsection (4)(A) do not apply when a licensee discloses nonpublic personal financial information:

A. With the consent or at the direction of the consumer, provided that the consumer has not revoked the consent or direction;

B. To protect the confidentiality or security of a licensee's records pertaining to the consumer, service, product or transaction;

C. To protect against or prevent actual or potential fraud or unauthorized transactions;

D. For required institutional risk control or for resolving consumer disputes or inquiries;

E. To persons holding a legal or beneficial interest relating to the consumer;

F. To persons acting in a fiduciary or representative capacity on behalf of the consumer;

G. To provide information to insurance rate advisory organizations, guaranty funds or agencies, agencies that are rating a licensee, persons that are assessing the licensee's compliance with industry standards, and the licensee's attorneys, accountants and auditors;

H. To the extent specifically permitted or required under other provisions of law and in accordance with the federal Right to Financial Privacy Act of 1978 (12 U.S.C. 3401 et seq.), to law enforcement agencies (including the Federal Reserve Board, Office of the Comptroller of the Currency, Federal Deposit Insurance Corporation, Office of Thrift Supervision, National Credit Union Administration, the Securities and Exchange Commission, the Secretary of the Treasury, with respect to 31 U.S.C. Chapter 53, Subchapter II (Records and Reports on Monetary Instruments and Transactions) and 12 U.S.C. Chapter 21 (Financial Recordkeeping), a state insurance authority, and the Federal Trade Commission), self-regulatory organizations or for an investigation on a matter related to public safety;

I. To a consumer reporting agency in accordance with the federal Fair Credit Reporting Act (15 U.S.C. 1681 et seq.);

J. From a consumer report reported by a consumer reporting agency;

K. In connection with a proposed or actual sale, merger, transfer or exchange of all or a portion of a business or operating unit if the disclosure of nonpublic personal financial information concerns solely consumers of the business or unit;

L. To comply with federal, state or local laws, rules and other applicable legal requirements;

M. To comply with a properly authorized civil, criminal or regulatory investigation, or subpoena or summons by federal, state or local authorities;

N. To respond to judicial process or government regulatory authorities having jurisdiction over a licensee for examination, compliance or other purposes as authorized by law; or

O. For purposes related to the replacement of a group benefit plan, a group health plan, or a group welfare plan.

2. Example of revocation of consent. A consumer may revoke consent by subsequently exercising the right to opt out of future disclosures of nonpublic personal information as permitted under paragraph (2)(D)7.

(5) Additional Provisions.

(A) Protection of Fair Credit Reporting Act. Nothing in this rule shall be construed to modify, limit or supersede the operation of the federal Fair Credit Reporting Act (15 U.S.C. 1681 et seq.), and no inference shall be drawn on the basis of the provisions of this rule regarding whether information is transaction or experience information under Section 603 of that Act.

(B) Nondiscrimination. A licensee shall not unfairly discriminate against any consumer or customer because that consumer or customer has opted out from the disclosure of his or her nonpublic personal financial information pursuant to the provisions of this rule. Nothing in this subsection shall be construed to prohibit the use of usual, appropriate, or acceptable methods of insurance underwriting.

(C) Severability. If any section or portion of a section of this rule or its applicability to any person or circumstance is held invalid by a court, the remainder of the rule or the applicability of the provision to other persons or circumstances shall not be affected.

(D) Effective Date.

1. Effective date. All provisions of this rule are effective on June 30, 2001. This rule expires on December 27, 2001. During the effective period of this rule, no licensee may disclose nonpublic personal financial information to non-affiliated third parties without first complying with the provisions of section (3) of this rule, including subparagraph (3)(A)1.A; however, provided the licensee discloses no nonpublic personal financial information without first giving the notices as required by section (3), the date for complying with the section (2)(A) requiring licensees to provide initial notices is extended until July 1, 2001. For consumers who became customers before July 1, 2001, the initial notices required by section (2)(A) must be given by June 30, 2002.

2. Two-year grandfathering of service agreements. Until July 1, 2002, a contract that a licensee has entered into with a nonaffiliated third party to perform services for the licensee or functions on the licensee's behalf satisfies the provisions of part (4)(A)1.A.(II) of this rule, even if the contract does not include a requirement that the third party maintain the confidentiality of nonpublic personal information, as long as the licensee entered into the agreement on or before July 1, 2000.

APPENDIX A—SAMPLE CLAUSES

Licensees, including a group of financial holding company affiliates that use a common privacy notice, may use the following sample clauses, if the clause is accurate for each institution that uses the notice. (Note that disclosure of certain information, such as assets, income and information from a consumer reporting agency, may give rise to obligations under the federal Fair Credit Reporting Act, such as a requirement to permit a consumer to opt out of disclosures to affiliates or designation as a consumer reporting agency if disclosures are made to nonaffiliated third parties.)

A-1—Categories of information a licensee collects (all institutions)

A licensee may use this clause, as applicable, to meet the requirement of subparagraph (2)(C)1.A. to describe the categories of nonpublic personal information the licensee collects.

Sample Clause A-1:

We collect nonpublic personal information about you from the following sources:

- Information we receive from you on applications or other forms;
- Information about your transactions with us, our affiliates or others; and
- Information we receive from a consumer reporting agency.

A-2—Categories of information a licensee discloses (institutions that disclose outside of the exceptions)

A licensee may use one of these clauses, as applicable, to meet the requirement of subparagraph (2)(C)1.B. to describe the categories of nonpublic personal information the licensee discloses. The licensee may use these clauses if it discloses nonpublic personal information other than as permitted by the exceptions in subsections (4)(A), (4)(B), and (4)(C).

Sample Clause A-2, Alternative 1:

We may disclose the following kinds of nonpublic personal information about you:

- Information we receive from you on applications or other forms, such as [provide illustrative examples, such as “your name, address, social security number, assets, income, and beneficiaries”];
- Information about your transactions with us, our affiliates or others, such as [provide illustrative examples, such as “your policy coverage, premiums, and payment history”]; and
- Information we receive from a consumer reporting agency, such as [provide illustrative examples, such as “your creditworthiness and credit history”].

Sample Clause A-2, Alternative 2:

We may disclose all of the information that we collect, as described [describe location in the notice, such as “above” or “below”].

A-3—Categories of information a licensee discloses and parties to whom the licensee discloses (institutions that do not disclose outside of the exceptions)

A licensee may use this clause, as applicable, to meet the requirements of subparagraphs (2)(C)1.B., (2)(C)1.C., and (2)(C)1.D. to describe the categories of nonpublic personal information about customers and former customers that the licensee discloses and the categories of affiliates and nonaffiliated third parties to whom the licensee discloses. A licensee may use this clause if the licensee does not disclose nonpublic personal information to any party, other than as permitted by the exceptions in subsections (4)(B) and (4)(C).

Sample Clause A-3:

We do not disclose any nonpublic personal information about our customers or former customers to anyone, except as permitted by law.

A-4—Categories of parties to whom a licensee discloses (institutions that disclose outside of the exceptions)

A licensee may use this clause, as applicable, to meet the requirement of subparagraph (2)(C)1.C. to describe the categories of affiliates and nonaffiliated third parties to whom the licensee discloses nonpublic personal information. This clause may be used if the licensee discloses nonpublic personal information other than as permitted by the exceptions in subsections (4)(A), (4)(B), and (4)(C), as well as when permitted by the exceptions in subsections (4)(B) and (4)(C).

Sample Clause A-4:

We may disclose nonpublic personal information about you to the following types of third parties:

- Financial service providers, such as [provide illustrative examples, such as “life insurers, automobile insurers, mortgage bankers, securities broker-dealers, and insurance agents”];
- Non-financial companies, such as [provide illustrative examples, such as “retailers, direct marketers, airlines, and publishers”]; and
- Others, such as [provide illustrative examples, such as “non-profit organizations”].

We may also disclose nonpublic personal information about you to nonaffiliated third parties as permitted by law.

A-5—Service provider/joint marketing exception

A licensee may use one of these clauses, as applicable, to meet the requirements of subparagraph (2)(C)1.E. related to the exception for service providers and joint marketers in subsection (4)(A). If a licensee discloses nonpublic personal information under this exception, the licensee shall describe the categories of nonpublic personal information the licensee discloses and the categories of third parties with which the licensee has contracted.

Sample Clause A-5, Alternative 1:

We may disclose the following information to companies that perform marketing services on our behalf or to other financial institutions with which we have joint marketing agreements:

- Information we receive from you on applications or other forms, such as [provide illustrative examples, such as “your name, address, social security number, assets, income, and beneficiaries”];
- Information about your transactions with us, our affiliates or others, such as [provide illustrative examples, such as “your policy coverage, premium, and payment history”]; and
- Information we receive from a consumer reporting agency, such as [provide illustrative examples, such as “your creditworthiness and credit history”].

Sample Clause A-5, Alternative 2:

We may disclose all of the information we collect, as described [describe location in the notice, such as “above” or “below”] to companies that perform marketing services on our behalf or to other financial institutions with whom we have joint marketing agreements.

A-6—Explanation of opt out right (institutions that disclose outside of the exceptions)

A licensee may use this clause, as applicable, to meet the requirement of subparagraph (2)(C)1.F. to provide an explanation of the consumer’s right to opt out of the disclosure of nonpublic personal information to nonaffiliated third parties, including the method(s) by which the consumer may exercise that right. The licensee may use this clause if the licensee discloses nonpublic personal information other than as permitted by the exceptions in subsections (4)(A), (4)(B), and (4)(C).

Sample Clause A-6:

If you prefer that we not disclose nonpublic personal information about you to nonaffiliated third parties, you may opt out of those disclosures, that is, you may direct us not to make those disclosures (other than disclosures permitted by law). If you wish to opt out of disclosures to nonaffiliated third parties, you may [describe a reasonable means of opting out, such as “call the following toll-free number: (insert number)].

A-7—Confidentiality and security (all institutions)

A licensee may use this clause, as applicable, to meet the requirement of subparagraph (2)(C)1.H. to describe its policies and practices with respect to protecting the confidentiality and security of nonpublic personal information.

Sample Clause A-7:

We restrict access to nonpublic personal information about you to [provide an appropriate description, such as “those employees who need to know that information to provide products or services to you”]. We maintain physical, electronic, and procedural safeguards that comply with federal rules to guard your nonpublic personal information.

AUTHORITY: section 374.045, RSMo 2000; H.B. 801, 91st General Assembly, 1st Regular Session (2001); S.B. 382, 91st General Assembly, 1st Regular Session (2001). Emergency rule filed June 21, 2001, effective July 1, 2001, expires Dec. 28, 2001.

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbology under the heading of the proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rule-making process. The law provides that for every proposed rule, amendment or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least 30 days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than 30 days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the 90-day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than 30 days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 30—Missouri Board for Architects,
Professional Engineers and Land Surveyors
Chapter 8—Land Surveying**

PROPOSED RESCISSION

4 CSR 30-8.020 Professional Development Requirements for Land Surveyors. This rule established professional development requirements for renewal of land surveyor certificate registration.

PURPOSE: This rule is being rescinded and readopted to outline the professional development standards for professional land surveyors applying for renewal of licensure under the provisions of section 327.041, RSMo.

AUTHORITY: section 327.041, RSMo Supp. 1993. Original rule filed Dec. 8, 1981, effective March 11, 1982. Amended: Filed Nov. 8, 1984, effective Feb. 11, 1985. Amended: Filed July 6, 1992, effective April 8, 1993. Rescinded: Filed May 3, 1994, effective Dec. 30, 1994. Readopted: Filed July 11, 1994, effective Dec. 30, 1994. Rescinded: Filed June 15, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Board for Architects, Professional Engineers and Professional Land Surveyors, PO Box 184, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 30—Missouri Board for Architects,
Professional Engineers
and Professional Land Surveyors
Chapter 8—Land Surveying**

PROPOSED RULE

4 CSR 30-8.020 Professional Land Surveyor—Professional Development Units

PURPOSE: This rule outlines the professional development standards for professional land surveyors applying for renewal of licensure under the provisions of section 327.041, RSMo.

(1) Each licensed professional land surveyor, as a condition for renewal of his/her license, shall complete a minimum of twenty (20) professional development units (PDU) each two (2)-year period immediately preceding renewal, except as provided in section (2) of this rule.

(2) The following are exceptions to the requirement that licensees successfully complete twenty (20) PDUs prior to renewal:

(A) The licensee can show good cause why he/she was unable to complete the PDU requirements. In the event good cause is shown, the licensee will be required to make up all outstanding required PDUs within a reasonable amount of time as established by the board; or

(B) The licensee received his/her initial licensure during the preceding two (2)-year period. The licensee will be required to complete an average of one (1) PDU per month for each month of licensure; provided however that the licensee will not be required to complete more than twenty (20) PDUs; or

(C) If the licensee served honorably on full-time active duty in the military, the licensee may renew his/her license without completing the PDU requirement for the renewal period during which the licensee served.

(3) A licensee who completes more than twenty (20) PDUs during the two (2) years immediately preceding renewal may carry forward into the next two (2)-year period up to ten (10) PDUs.

(4) In evaluating PDUs for licensure renewal, the board will be guided by the following standards and guidelines:

(A) Criteria: In order to qualify as acceptable PDU credit, each activity must:

1. Have a clear purpose and objective to maintain, improve and/or expand skills and knowledge obtained prior to licensure or to develop new and relevant skills and knowledge;

2. Have a well organized content presented in a sequential manner;

3. Show evidence of pre-planning, including an opportunity for input by the target group to be served;

4. Be presented by persons qualified by education and experience; and

5. Provide information to the licensee necessary for PDU record keeping and reporting purposes.

(B) Except as otherwise stated in this rule, licensees shall earn one (1) PDU for every fifty (50) to sixty (60) minutes of activity that qualifies as acceptable PDU credit pursuant to this rule.

(C) Activities.

1. PDU activities must be relevant to the practice of land surveying and may include technical, ethical or business related content.

2. PDUs may be earned at locations outside Missouri, so long as the activity qualifies as acceptable PDU credit pursuant to this rule.

3. Assuming they otherwise qualify as acceptable PDU credit pursuant to this rule, the following activities are acceptable sources of PDU credits:

A. Successful completion of college or university course earns thirty (30) PDUs per semester hour and twenty (20) PDUs per quarter hour. Auditing or "hearing" a course qualifies for one-third (1/3) PDU credit of that stated herein.

B. Active participation and successful completion of seminars, tutorials, workshops, short courses, correspondence courses, or televised or videotaped courses.

C. Attending program presentations at related technical or professional meetings.

D. Authoring a paper or article earns five (5) PDUs upon actual publication in a regionally or nationally circulated technical journal or trade magazine.

E. Teaching or instructing a course or seminar that satisfies the PDU criteria described in this rule, or making a presentation at a technical meeting or convention. For the original instruction or presentation, a licensee shall earn two (2) PDUs for each PDU a participant could earn pursuant to this rule. For subsequent instructions or presentations, a licensee shall earn only one (1) PDU for each PDU a participant could earn pursuant to this rule. Licensees shall not earn more than ten (10) PDUs per two (2)-year renewal period for teaching, instruction, or making presentations.

(5) All licensees shall maintain and retain records of PDU activities completed for a period of four (4) years after the reporting period in which the PDU was completed. The board may conduct an audit of licensees to verify compliance with the PDU requirements. Licensees shall assist the board in any audit by providing timely and complete responses to the board's inquiries. At a minimum, licensees must keep the following records:

(A) A log identifying the type of activity claimed, the sponsoring organization, location of the program, duration of the program, the name of the instructor(s) or speaker(s), and the PDU credits earned; and

(B) Attendance verification records such as certificates of attendance, signed attendance receipts, paid receipts, a copy of a listing of all attendees signed by a person in responsible charge of the activity, or other documentation verifying attendance.

(6) Any person or entity may seek pre-approval of a PDU activity by providing the board the following information. The professional land surveying division will approve or deny credit for the activity within forty-five (45) calendar days of receipt of the information.

(A) Date(s) of the program or activity;

(B) An outline or syllabus of the program;

(C) Presentation abstract(s);

(D) Preliminary program with time frames;

(E) Course or program description; and

(F) Names of the instructor(s) or speaker(s) with biographical information showing their education and professional experience.

(7) The board will review all PDUs claimed in support of a renewal application. If it is determined that a portion of the claimed PDUs fail to meet PDU requirements, the licensee will be notified in writing of the denied PDUs. If PDUs are denied to the extent that the licensee has failed to obtain the required number of PDUs for renewal, then the board will deny issuance of the renewal and will notify the licensee in writing of their right to appeal the board's decision to the Administrative Hearing Commission.

AUTHORITY: section 327.041, RSMo 2000. Original rule filed Dec. 8, 1981, effective March 11, 1982. Amended: Filed Nov. 8, 1984, effective Feb. 11, 1985. Amended: Filed July 6, 1992, effective April 8, 1993. Rescinded: Filed May 3, 1994, effective Dec. 30, 1994. Readopted: Filed July 11, 1994, effective Dec. 30, 1994. Rescinded and readopted: Filed June 15, 2001.

PUBLIC COST: This proposed rule is estimated to cost state agencies and political subdivisions \$1,672.30 biennially for the life of the rule. It is anticipated that the total cost will recur biennially for the life of the rule, may vary with inflation and is expected to increase biennially at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

PRIVATE COST: This proposed rule is estimated to cost private entities \$456,000 biennially for the life of the rule. It is anticipated that the total costs will recur biennially for the life of the rule, may vary with inflation and is expected to increase biennially at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Board for Architects, Professional Engineers and Professional Land Surveyors, PO Box 184, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

FISCAL NOTE PUBLIC ENTITY COST

I. RULE NUMBER

Title: 4 - Department of Economic Development

Division: 30 -- Missouri Board of Architects, Professional Engineers and Professional Land

Chapter: 8 -- Land Surveying

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 30-8.020 Professional Land Surveyor -- Professional Development Units

Prepared May 21, 2001 by the Division of Professional Registration and the Missouri Board of Architects, Professional Engineers and Professional Land Surveyors.

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Biennial Cost of Compliance
Missouri Board of Architects, Professional Engineers and Professional Land Surveyors (review of professional development hours for professional land surveyors)	\$1,672.30
Total biennial cost for the life of the rule	
\$1,672.30	

III. WORKSHEET

CONTINUING PROFESSIONAL DEVELOPMENT UNITS (PDU) SUBMITTED BY PROFESSIONAL LAND SURVEYORS AUDITED BY THE MISSOURI BOARD OF ARCHITECTS, PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS

The board may conduct an audit of licensees to verify compliance with the continuing professional development requirements. Licensees shall assist the board in its audits by providing timely and complete responses to the board's inquiries. Based on the 912 currently licensed professional land surveyors, it is estimated that the board will audit approximately 5% (approximately 45) of current licensees biennially and request verification of their attendance at approved professional development programs.

The following is a breakdown of the expense and equipment costs associated with auditing PDUs.

CLASSIFICATION	FEE AMOUNT	NUMBER IN CLASS	TOTAL BIENNIAL COST
Letterhead Printing Cost	\$.15	45	\$6.75
Envelope for Mailing Letter Requesting Verification of	\$.16	45	\$7.20

Professional Development Units			
Postage for Mailing Request for Information	\$.34	45	\$15.30

**Total expense and equipment costs \$103.00
associated with auditing PDHs:**

The following is a breakdown of the personal service costs associated with with auditing PDUs.

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFITS	HOURLY SALARY	COST PER MINUTE	TIME PER AUDIT	COST PER AUDIT	TOTAL BIENNIAL COST
Executive Director	\$50,172	\$66,894	\$32.16	\$.54	60 minutes	\$32.16	\$1,447.20
Executive I	\$30,780	\$41,038	\$19.73	\$.44	30 minutes	\$13.20	\$594

**Total personal service costs associated \$2,041.20
with auditing PDUs:**

The Executive Director will request and monitor receipt of the PDUs from licensees. The Executive I will prepare letters requesting licensees to submit the information, assist with monitoring their receipt, update the computer licensing and mail the information to the members of the board. Three members of the Land Surveying Division of the board will review for approval all PDUs received. The board estimates that each member of the Land Surveying Division will receive a per diem of \$50.00 per day for this review. It is estimated that board members will spend a total of 1 day reviewing the licensee's PDUs, therefore, the board will pay \$150.00 in per diem for this review. Because other board correspondence may be mailed to the members of the board with PDUs audits, the cost for this mailing was not calculated into this fiscal note.

IV. ASSUMPTIONS

- The number of licensees by class are based on actual figures from FY00 and projected figures in FY01.
- Employee's salaries were calculated using their annual salary multiplied by 33.33% for fringe benefits and then were divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the processing of applications or renewals. The total cost was based on the cost per application multiplied by the estimated number of applications or renewals.
- It is anticipated that the public entity cost will be \$1,672.30 biennially for the life of the rule. The total biennially cost will recur each year for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

FISCAL NOTE PRIVATE ENTITY COST

I. RULE NUMBER

Title: 4 - Department of Economic Development

Division: 30 - Missouri Board of Architects, Professional Engineers and Professional Land Surveyors

Chapter: 8 - Land Surveying

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 30-8.020 Professional Land Surveyor - Professional Development Units

Prepared May 21, 2001 by the Division of Professional Registration and the Missouri Board of Architects, Professional Engineers and Professional Land Surveyors.

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate biennial cost of compliance with the rule by the affected entities:
912	Active Professional Land Surveyors Obtaining Professional Development Units (average of \$500)	\$456,000
Estimate biennial cost of compliance for the life of the rule.		\$456,000.00

III. WORKSHEET

20 Professional Development Hours @ \$25.00 per hour

IV. ASSUMPTIONS

- The number of licensees by class are based on actual figures from FY00 and projected figures in FY01.
- It is not possible to estimate all costs (i.e., mileage, meals, and lodging) that a licensee could incur in obtaining the required professional development units (PDU).
- It is anticipated that the private entity cost will be \$456,000 biennially for the life of the rule. The total biennially cost will recur each year for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 30—Missouri Board for Architects,
Professional Engineers and Land Surveyors
Chapter 11—Renewals**

PROPOSED RESCISSION

4 CSR 30-11.010 Renewal Period. This rule established the licensing period for the Missouri Board of Architects, Professional Engineers and Land Surveyors and established the information required to keep the records of the board current.

PURPOSE: This rule is being rescinded and readopted to more clearly outline the licensing period for the Missouri Board of Architects, Professional Engineers and Land Surveyors and establishes the information required to keep the records of the board current.

AUTHORITY: section 327.041, RSMo 1994. Emergency rule filed Sept. 14, 1981, effective Sept. 24, 1981, expired Jan. 22, 1982. Original rule filed Sept. 14, 1981, effective Dec. 11, 1981. Amended: Filed Feb. 4, 1992, effective June 25, 1992. Amended: Filed Oct. 3, 1995, effective April 30, 1996. Rescinded: Filed June 15, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Board for Architects, Professional Engineers and Professional Land Surveyors, PO Box 184, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 30—Missouri Board for
Architects, Professional Engineers
and Professional Land Surveyors
Chapter 11—Renewals**

PROPOSED RULE

4 CSR 30-11.010 Renewal Period

PURPOSE: This rule establishes the licensing period for the Missouri Board of Architects, Professional Engineers and Professional Land Surveyors and establishes the information required to keep the records of the board current.

(1) Effective January 1, 2002 the license issued to every registered architect, professional engineer and professional land surveyor in Missouri shall, except as set forth in subsections (1)(A) and (1)(B) of this rule, be renewed biennially. Licenses originally issued in an odd numbered year shall be renewed by December 31 of each odd numbered year. Licenses originally issued in an even numbered year shall be renewed by December 31 of each even numbered year.

(A) Licenses originally issued in an odd numbered year and currently scheduled for renewal in December 2002 shall be renewed for one (1) year only, whereafter they shall be renewed biennially as set forth in section (1) of this rule.

(B) Licenses originally issued in an even numbered year and currently scheduled for renewal in December 2003 shall be renewed for one (1) year only, whereafter they shall be renewed biennially as set forth in section (1) of this rule.

(C) The fee for renewal of a license under subsections (1)(A) and (1)(B) of this rule shall be prorated based on the renewal fee set forth in 4 CSR 30-6.015.

(2) Effective January 1, 2002 the certificates of authority issued to corporations authorized to offer architectural, engineering and land surveying services in Missouri shall, except as set forth in subsections (2)(A), (2)(B), (2)(C), and (2)(D) of this rule, be renewed biennially. Certificates of authority originally issued in an odd numbered year shall be renewed by December 31 of each odd numbered year. Certificates of authority originally issued in an even numbered year shall be renewed by December 31 of each even numbered year.

(A) Certificates of authority originally issued in an odd numbered year and currently scheduled for renewal in February 2002 shall be renewed through December 31, 2003, whereafter they shall be renewed biennially as set forth in section (2) of this rule.

(B) Certificates of authority originally issued in an even numbered year and currently scheduled for renewal in February 2002 shall be renewed through December 31, 2002, whereafter they shall be renewed biennially as set forth in section (2) of this rule.

(C) Certificates of authority originally issued in an odd numbered year and currently scheduled for renewal in February 2003 shall be renewed through December 31, 2003, whereafter they shall be renewed biennially as set forth in section (2) of this rule.

(D) Certificates of authority originally issued in an even numbered year and currently scheduled for renewal in February 2003 shall be renewed through December 31, 2004, whereafter they shall be renewed biennially as set forth in section (2) of this rule.

(E) The fee for renewal of a certificate of authority under subsections (2)(A) through (2)(D) of this rule shall be prorated based on the renewal fee set forth in 4 CSR 30-6.015

(3) Each renewal application from every registered architect, professional engineer and professional land surveyor in Missouri shall be accompanied by the following information, in addition to any other information the board may require:

- (A) Name;
- (B) Address; and
- (C) Place of employment.

(4) Each person holding a license and corporation holding a certificate of authority to practice architecture, professional engineering and professional land surveying in Missouri shall file, in writing, their proper and current mailing address of record with the board at its office in Jefferson City and immediately notify the board, in writing, at its office of any changes of mailing address, giving both the old and the new addresses.

(5) Failure to receive an application for renewal of a license or certificate of authority shall not relieve the licensee or certificate holder from their duty to timely renew, nor shall it relieve them from the obligation to pay any additional fee(s) necessitated by any late renewal.

AUTHORITY: section 327.041, RSMo 2000. Emergency rule filed Sept. 14, 1981, effective Sept. 24, 1981, expired Jan. 22, 1982. Original rule filed Sept. 14, 1981, effective Dec. 11, 1981. Amended: Filed Feb. 4, 1992, effective June 25, 1992. Amended: Filed Oct. 3, 1995, effective April 30, 1996. Rescinded and readopted: Filed June 15, 2001.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate as the costs

associated with the renewal of a license or certificate of authority have been disclosed with the rule governing such fees.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate as the costs associated with the renewal of a license or certificate of authority have been disclosed with the rule governing such fees.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Board for Architects, Professional Engineers and Professional Land Surveyors, PO Box 184, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 30—Missouri Board for Architects, Professional Engineers and Professional Land Surveyors Chapter 11—Renewals

PROPOSED RULE

4 CSR 30-11.020 Professional Land Surveyor—Renewal and Reactivation of Licensure

PURPOSE: This rule clarifies the requirements and conditions for renewing and reactivating a professional land surveyor's certificate of licensure.

(1) Licenses not renewed on or before the renewal date become non-current and subject to the provisions of section 327.351, RSMo. No person is entitled to practice as a professional land surveyor unless he/she holds a current and active license.

(2) In order to renew a license, the licensee must:

(A) Submit a completed renewal application form furnished by the board; and

(B) Pay the required fee; provided however, no fee shall be paid by a licensee who is at least seventy-five (75) years of age at the time the renewal is due; and

(C) Submit a completed Professional Development Unit ("PDU") form furnished by the board verifying that the licensee has completed at least twenty (20) PDUs during the preceding two (2) calendar years unless otherwise exempted.

(3) Licensees who request to be classified as inactive pursuant to section 327.351.5, RSMo, may maintain their inactive status by paying the renewal fee as provided in 4 CSR 30-6.015. Inactive licensees need not complete the PDU requirement. However, an inactive licensee shall not have his/her license reactivated until he/she pays the required reactivation fee, and in addition, either:

(A) Completes the PDU requirements as described in section 327.351.6(1), RSMo; or

(B) Successfully completes the Missouri Specific Examination for professional land surveyors pursuant to section 327.351.6(2), RSMo.

AUTHORITY: section 327.041, RSMo 2000. Original rule filed June 15, 2001.

PUBLIC COST: This proposed rule is estimated to cost state agencies and political subdivisions \$3,126.40 biennially for the life of the rule. It is anticipated that the total cost will recur biennially for the life of the rule, may vary with inflation and is expected to increase biennially at the rate projected by the Legislative

Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

PRIVATE COST: This proposed rule is estimated to cost private entities \$9,000 biennially for the life of the rule. It is anticipated that the total costs will recur biennially for the life of the rule, may vary with inflation and is expected to increase biennially at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Board for Architects, Professional Engineers and Professional Land Surveyors, PO Box 184, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC ENTITY COST**

I. RULE NUMBER

Title: 4 - Department of Economic Development

Division: Division 30 - Missouri Board for Architects, Professional Engineers and Professional Land Surveyors

Chapter: Chapter 11-Renewals

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 30-11.020 Professional Land Surveyor - Renewal and Reactivation of Licensure.

Prepared May 21, 2001 by the Division of Professional Registration and the Missouri Board of Architects, Professional Engineers and Professional Land Surveyors.

II. SUMMARY OF FISCAL IMPACT	
Affected Agency or Political Subdivision	Estimated Biennial Cost of Compliance
Missouri Board for Architects, Professional Engineers and Professional Land Surveyors (Professional Land Surveyor Renewal and Reactivation)	\$3,126.40
Total biennial cost for the life of the rule	
\$3,126.40	

III. WORKSHEET

The office estimates that 900 land surveyors will apply for renewal and reactivation biennially. The following breakdown of the expense and equipment costs associated renewal and reactivation biennially.

CLASSIFICATION	FEE AMOUNT	NUMBER OF APPLICANTS	TOTAL ANNUAL COST
Renewal Application Printing Cost	\$.15	912	\$136.80
Envelope for Mailing Renewal Application	\$.16	912	\$145.92
Postage for Mailing Renewal Application	\$.34	912	\$310.08
Renewal License Printing Cost	\$.15	912	\$136.80
Envelope for Mailing Renewal License	\$.16	912	\$145.92
Postage for Mailing Renewal License	\$.34	912	\$310.08

Total expense and equipment costs associated with professional land surveyor renewal and reactivation: **\$1185.60**

Renewal applications are processed by the division central processing unit. In FY00 the Missouri Board for Architects, Professional Engineers and Professional Land Surveyors transferred \$892 to the division for this service.

The board estimates that approximately biennially 45 land surveyors will renew their license after the expiration date. The Clerk Stenographer II who reviews these renewal applications and updates the information contained on the renewal to the licensing computer system.

The figures below represent the personal service costs paid by the Missouri Board for Architects, Professional Engineers and Professional Land Surveyors for the renewal and reactivation process.

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFITS	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION	COST PER APPLICATION	TOTAL ANNUAL COST
Clerk Stenographer II	\$21,192	\$28,255	\$13.59	\$.23	5 minutes	\$1.15	\$1,048.80

**Total personal service costs associated with \$1,048.80
associated with land surveyor
renewal and reactivation:**

IV. ASSUMPTIONS

- The number of licensees by class are based on actual figures from FY00 and projected figures in FY01.
- Employee's salaries were calculated using their annual salary multiplied by 33.33% for fringe benefits and then were divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the processing of applications or renewals. The total cost was based on the cost per application multiplied by the estimated number of applications or renewals.
- The total costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 4 -- Department of Economic Development

Division: Division 30 - Missouri Board for Architects, Professional Engineers and Professional Land Surveyors

Chapter: Chapter 11 - Renewals

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 30-11.020 Professional Land Surveyor - Renewal and Reactivation of Licensure.

Prepared May 21, 2001 by the Division of Professional Registration and the Missouri Board of Architects, Professional Engineers and Professional Land Surveyors.

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate biennial cost of compliance with the rule by the affected entities:
912	Professional Land Surveyors (Renewal - \$100)	\$9,000

**Total biennial cost
for the life of the rule** **\$9,000.00**

III. WORKSHEET

See above Table

IV. ASSUMPTIONS

- The number of licensees by class are based on actual figures from FY00 and projected figures in FY01.
- It is anticipated that the total annual cost will recur for the life, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 110—Missouri Dental Board
Chapter 2—General Rules**

PROPOSED RESCISSION

4 CSR 110-2.170 Fees. This rule established the various fees authorized by Chapter 332.

PURPOSE: As a result of several deletions and additions to the fees rule, this rule is being rescinded and replaced by a new rule.

AUTHORITY: section 332.031.3, RSMo Supp. 1997. Emergency rule filed June 30, 1981, effective July 9, 1981, expired Nov. 6, 1981. Original rule filed June 30, 1981, effective Oct. 11, 1981. Rescinded and readopted: Filed Feb. 10, 1982, effective May 13, 1982. Emergency rescission and rule filed Oct. 13, 1983, effective Oct. 23, 1983, expired Jan. 12, 1984. Rescinded and readopted: Filed Oct. 13, 1983, effective Jan. 13, 1984. Amended: Filed April 16, 1985, effective Aug. 26, 1985. Amended: Filed Oct. 30, 1985, effective Jan. 26, 1986. Amended: Filed Oct. 17, 1986, effective Dec. 25, 1986. Amended: Filed June 13, 1988, effective Aug. 25, 1988. Amended: Filed June 16, 1989, effective Sept. 11, 1989. Amended: Filed Sept. 3, 1991, effective Jan. 13, 1992. Amended: Filed May 9, 1995, effective Nov. 30, 1995. Rescinded and readopted: Filed Sept. 15, 1998, effective April 30, 1999. Rescinded: Filed June 12, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Dental Board, Sharlene Rimiller, Executive Director, PO Box 1367, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 110—Missouri Dental Board
Chapter 2—General Rules**

PROPOSED RULE

4 CSR 110-2.170 Fees

PURPOSE: This rule establishes the various fees authorized by Chapter 332, RSMo.

(1) The following fees are established by the Missouri Dental Board:

- | | |
|---|----------|
| (A) Application Fees * | |
| 1. Dentist | \$230.00 |
| 2. Dental Specialist | \$330.00 |
| 3. Dental Hygienist | \$155.00 |
| (B) Reexamination Fees | |
| 1. Dentist Jurisprudence Examination | \$100.00 |
| 2. Dental Hygienist Jurisprudence Examination | \$ 50.00 |
| 3. Specialist Examination | \$300.00 |
| (C) Annual License Renewal Fee | |
| 1. Dentist License | \$115.00 |
| 2. Dental Specialist License | \$125.00 |
| 3. Dental Hygienist License | \$ 60.00 |

(D) Renewal Penalty Fee—Dentist/Dental

Specialist/Dental Hygienist

\$100.00

(The renewal penalty fee applies to any renewal application not completed or postmarked by the post office before December 1 and to any renewal application whose processing is delayed due to the licensee's failure to meet the required continuing education requirements by the end of the time block as defined in 4 CSR 110-2.240 (1)(B). Should November 30 fall on a Saturday, Sunday or legal holiday, completed renewal applications postmarked by the post office on the next business day will not be considered delinquent.)

(E) Certification/Permit Fees

1. Dentists

A. Deep Sedation/General Anesthesia

(I) Individual Permit Fee \$100.00

(II) Site Certificate Permit Fee \$100.00

B. Parenteral Conscious Sedation

(I) Individual Permit Fee \$100.00

(II) Site Certificate Permit Fee \$100.00

C. Renewal of Individual Permit

(I) Deep Sedation/General Anesthesia \$100.00

(II) Parenteral Conscious Sedation \$100.00

D. Renewal of Site Certificate Permit

(I) Deep Sedation/General Anesthesia \$100.00

(II) Parenteral Conscious Sedation \$100.00

2. Dental Hygienists

A. Administration of Nitrous Oxide Analgesia \$ 10.00

B. Local Anesthesia \$ 10.00

3. Dental Assistants

A. Monitoring Nitrous Oxide Analgesia \$ 10.00

(F) Miscellaneous Fees

1. Corporation Name Approval \$ 15.00

2. Verification of Licensure—Dentist/Dental

Specialist/Dental Hygienist \$ 20.00

3. Duplicate Original License \$ 50.00

4. Duplicate Renewal License (over two (2))
(per duplicate) \$ 5.00

5. Uncollected Fee (for any uncollectible check
or other uncollectible financial instrument) \$ 25.00

*All application fees authorized by the Missouri Dental Board include the fee for the initial jurisprudence examination, the initial specialist examination fee, if applicable, and the initial licensure fee.

(2) All fees are nonrefundable.

(3) All licenses will be renewed annually and will expire on November 30 of each year.

(4) The provisions of this rule are declared severable. If any fee fixed by this rule is held invalid by a court of competent jurisdiction or by the Administrative Hearing Commission, the remaining provisions of this rule shall remain in full force and effect, unless otherwise determined by a court of competent jurisdiction or by the Administrative Hearing Commission.

AUTHORITY: section 332.031.3, RSMo 2000. Emergency rule filed June 30, 1981, effective July 9, 1981, expired Nov. 6, 1981. Original rule filed June 30, 1981, effective Oct. 11, 1981. For intervening history, please consult the Code of State Regulations. Rescinded and readopted: Filed June 12, 2001.

PUBLIC COST: This proposed rule will cost state agencies and political subdivisions an estimated \$15,269.35 with a continuous annual decrease of \$79.10 annually for the life of the rule. It is anticipated that the total cost to the board to implement this rule will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the

Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

PRIVATE COST: This proposed rule will cost private entities an estimated \$898,465 with a continuous annual decrease of \$10,455 annually for the life of the rule. It is anticipated that the total cost for private entities will recur annually for the life of the rule, may vary with inflation and is expected to decrease annually at the rate projected by the Legislative Oversight Committee. The decrease in total cost to private entities is due to the continual decline in the number of dentists renewing their license. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Dental Board, Sharlene Rimiller, Executive Director, PO Box 1367, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

FISCAL NOTE PUBLIC ENTITY COST

I. RULE NUMBER

Title: 4 - Department of Economic Development

Division: 110 - Missouri Dental Board

Chapter: 2 - General Rules

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 110-2.170 Fees

Prepared April 17, 2001 by the Division of Professional Registration and the Missouri Dental Board

II. SUMMARY OF FISCAL IMPACT	
Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
Missouri Dental Board (renewal licenses)	\$13,568.77 with a continuous annual decrease of \$79.10
Missouri Dental Board (corporate name approval)	\$1,193.60
Missouri Dental Board (verification of licensure)	\$424.80
Missouri Dental Board (duplicate original license)	\$7.68
Missouri Dental Board (uncollectible)	\$74.50

**Total annual cost for the
life of the rule**

**\$15,269.35 with a
continuous annual
decrease of \$79.10**

III. WORKSHEET

• RENEWALS

The following is a breakdown of the expense and equipment costs associated with renewing licensed for dentists, dental specialists and dental hygienists.

CLASSIFICATION	FEE AMOUNT	NUMBER IN CLASS	TOTAL ANNUAL COST
Renewal Application Printing Cost	\$.15	6019	\$902.85
Envelope for Mailing Renewal Application	\$.16	6019	\$963.04
Postage for Mailing Renewal Application	\$.34	6019	\$2,046.46
Printing the Renewal License	\$.11	6019	\$662.09
Postage for Mailing Renewal License	\$.34	6019	\$2,046.46

Total expense and equipment costs associated with renewing
licensed for dentists, dental specialists and dental hygienists: \$6,620.90

Renewal applications are processed by the division central processing unit. In the past licensees were given the option of requesting up to 5 duplicate renewal licenses without additional costs. Due to the amount of duplicates being issued, the board will now allow 2 duplicate renewal licenses per licensee for no additional cost. Additionally duplicates can be requested for an additional \$5.00 per license. These duplicate licenses are issued by the cash receiving room (CRR) as part of the renewal process. If the request for a duplicate renewal license occurs after the renewal processing time by CRR, dental board staff will be responsible for processing the request. Since this will be the first time the board has charged for duplicate renewal licenses, it is difficult to estimate the number of requests the board staff will process.

In FY02 the board transferred \$5,438.55 to the division for this service.

Once the renewal period has ended, late renewals are processed by board staff. The board estimates that 194 licensees will renew their license after the expiration date annually. The following is a breakdown of the personal services costs associated with renewing licenses after the expiration date.

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFITS	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION	COST PER APPLICATION	TOTAL ANNUAL COST
Executive I	\$31,782	\$42,375	\$20.38	\$.34	15 minutes	\$5.10	\$989.40
Clerk Typist II	\$20,820	\$27,759	\$13.35	\$.23	10 minutes	\$2.03	\$393.82
.5 Licensure Technician I	\$11,388	\$15,184	\$7.30	\$.13	5 minutes	\$.65	\$126.10

Total personal service costs associated with renewing licensed for dentists, dental specialists and dental hygienists: \$1,509.32

It is estimated that the following staff time will be devoted on each late renewal for the following duties:

Executive I – 15 minutes per application

Duties: reviews and approves rejected renewal from the Division's Cash Receiving Room for final processing; reviews, approves and processes all late renewals; and answers the majority of telephone inquiries regarding late renewals.

Clerk Typist II – 10 minutes per application

Duties: assists with processing late renewal forms by entering late renewal fees and data in the computerized licensing system for approval; assists with mailing late renewal notifications; assists with telephone inquiries regarding renewals, and files all renewal forms.

Licensure Technician II – 5 minutes per application

Duties: processes money received for late renewals, refunds for renewal overpayments and collects fees for insufficient funds for renewals submitted

• The board anticipates the following:

- 3,122 dentists will apply for renewal during the first year of implementation of the rule and thereafter, the board is anticipating an annual decrease rate of 71 licensees causing a decrease in the fund of \$160.46 annually for the life of the rule.
- 603 dental specialists will apply for renewal during the first year of implementation of the rule and thereafter, the board is anticipating an annual growth rate of 2 licensees causing a public entity cost of \$4.52 annually for the life of the rule.
- The board estimates that 2,294 dental hygienists will apply for renewal during the first year of implementation of the rule and thereafter, the board is anticipating an annual growth rate of 34 licensees causing a public entity cost of \$76.84 annually for the life of the rule.

Therefore, the board estimates that renewals will cost the Missouri Dental Board \$13,568.77 with a continuous decrease of \$75.18 annually for the life of the rule.

• **CORPORATE NAME APPROVAL**

The board estimates that 72 licensees will request corporate name approval by sending in a letter to the board office along with the appropriate fees. The following is a breakdown of the expense and equipment costs associated with corporate name approvals.

CLASSIFICATION	FEE AMOUNT	NUMBER IN CLASS	TOTAL ANNUAL COST
Letterhead Printing Costs	\$.15	72	\$10.80
Printing the Renewal Certificate	\$.11	72	\$7.92
Postage for Mailing Renewal Certificate	\$.34	72	\$24.48

Total expense and equipment costs associated with corporate name approval: \$43.20

The following is a breakdown of the personal services costs associated with corporate name approvals.

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFITS	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION	COST PER APPLICATION	TOTAL ANNUAL COST
Clerk Typist II	\$20,820	\$27,759	\$13.35	\$.23	5 minutes	\$1.15	\$82.80
.5 Licensure Technician I	\$11,388	\$15,184	\$7.30	\$.13	15 minutes	\$1.95	\$140.40
Licensure Technician II	\$25,380	\$33,572.47	\$16.14	\$.27	5 minutes	\$1.35	\$927.20

Total personal service costs associated with corporate name approval: \$1,150.40

It is estimated that the following staff time will be devoted on each application and renewal for the following duties:

Clerk Typist II – 5 minutes

Duties – Enters the money into the licensure system.

Licensure Technician I – 15 minutes

Duties– Reviews and processes the request for a certificate, prepares and mails certificate to licensee.

Licensure Technician II – 5 minutes

Duties -- Deposits the money into the licensure system.

• **VERIFICATION OF LICENSURE**

The board estimates that 144 licensees will submit verification of licensure forms from other state boards along with the appropriate fees. The board will then issue a computer-generated form to be mailed to the other state board. The following is a breakdown of the expense and equipment costs associated with verification of licensures.

CLASSIFICATION	FEE AMOUNT	NUMBER IN CLASS	TOTAL ANNUAL COST
Printing the Verification of Licensure	\$.11	144	\$15.84
Postage for Mailing Renewal License	\$.34	144	\$48.96

Total expense and equipment costs associated with verification of licensures: \$64.80

The following is a breakdown of the personal services costs associated with verification of licensures.

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFITS	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION	COST PER APPLICATION	TOTAL ANNUAL COST
Clerk Typist II	\$20,820	\$27,759	\$13.35	\$.23	20 minutes	\$1.15	\$165.60
Licensure Technician II	\$25,380	\$33,572.47	\$16.14	\$.27	5 minutes	\$1.35	\$194.40

Total personal service costs associated with verification of licensures: \$360.00

It is estimated that the following staff time will be devoted on each application and renewal for the following duties:

Clerk Typist II – 20 minutes

Duties – Enters the money into the licensure system and processes the verification.

Licensure Technician II – 5 minutes

Duties – Deposits the money into the licensure system.

• **DUPLICATE ORIGINAL LICENSE**

The board estimates that 2 licensees will submit requests for duplicate original wall-hanging licenses along with the appropriate fees. The following is a breakdown of the expenses and equipment costs associated with issuing duplicate original licenses.

CLASSIFICATION	FEE AMOUNT	NUMBER IN CLASS	TOTAL ANNUAL COST
Printing the Duplicate License (large wall-hanging)	\$.11	2	\$.22
Postage for Mailing Duplicate License	\$1.23	2	\$2.46

Total expense and equipment costs associated with issuing initial duplicate original licenses: \$2.68

The following is a breakdown of the personal services costs associated with duplicate original licenses.

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFITS	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION	COST PER APPLICATION	TOTAL ANNUAL COST
Clerk Typist II	\$20,820	\$27,759	\$13.35	\$.23	5 minutes	\$1.15	\$2.30
Licensure Technician II	\$25,380	\$33,572.47	\$16.14	\$.27	15 minutes	\$1.35	\$2.70

Total personal service costs associated with issuing duplicate original licenses: \$5.00

It is estimated that the following staff time will be devoted on each application and renewal for the following duties:

Clerk Typist II – 5 minutes

Duties – Enters the money into the licensure system.

Licensure Technician II – 15 minutes

Duties – Deposits the money into the licensure system, processes the request for the duplicate and mails the license.

• **UNCOLLECTED FEE**

The board estimates that 10 licensees will submit insufficient funds annually. The following is a breakdown of the expenses and equipment costs associated with processing uncollectible fees.

CLASSIFICATION	FEE AMOUNT	NUMBER IN CLASS	TOTAL ANNUAL COST
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Letterhead Printing Cost (average of 2 letters)	\$.22	10	\$2.20
Postage for Mailing Correspondence (average of 2 letters)	\$.68	10	\$6.80
Total expense and equipment costs associated with processing uncollectible fees:			\$9.00

The following is a breakdown of the personal services costs associated with duplicate original licenses.

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFITS	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION	COST PER APPLICATION	TOTAL ANNUAL COST
Clerk Typist II	\$20,820	\$27,759	\$13.35	\$.23	5 minutes	\$1.15	\$11.50
Licensure Technician II	\$25,380	\$33,572.47	\$16.14	\$.27	20 minutes	\$5.40	\$54.00
Total personal service costs associated with processing uncollectible fees:							\$65.50

It is estimated that the following staff time will be devoted on each application and renewal for the following duties:

Clerk Typist II – 5 minutes

Duties – Enters the money into the licensure system.

Licensure Technician II – 20 minutes

Duties – Corresponds with the licensee concerning the insufficient funds. Deposits the money into the licensure system and processes the license.

- The fiscal costs associated with
 - application and reexamination fees are reported in the rules governing licensure and reexamination;
 - licensees obtaining continuing education are reported in the rules governing continuing education; and
 - certification/permit fees are reported in the rule governing deep sedation/general anesthesia, parenteral conscious sedation, dental hygienists and dental assistants;
- The number of individuals by class are based on actual figures from FY00 and projected figures in FY01.
- Applications requiring additional clarification or board review may be reviewed first by the Executive Director.
- Employee's salaries were calculated using their annual salary multiplied by 33.33% for fringe benefits and then were divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the processing of applications or renewals. The total cost was based on the cost per application multiplied by the estimated number of applications or renewals.
- The total annual cost will recur each year for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 4 -- Department of Economic Development

Division: 110 -- Missouri Dental Board

Chapter: 2 -- General Rules

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 110-2.170 Fees

Prepared April 17, 2001 by the Division of Professional Registration and the Missouri Dental Board

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate annual cost of compliance with the rule by the affected entities:
3,122	Licensed Dentists (Annual License Renewal - \$115)	\$483,910 with a continuous annual decrease of \$8,165
603	Licensed Dental Specialists (Annual License Renewal - \$125)	\$73,375 with a continuous annual increase of \$250
2,294	Licensed Dental Hygienists (Annual License Renewal - \$60)	\$137,640 with a continuous annual increase of \$2,040
194	Licensed Dentist, Dental Specialists, and Hygienists (Late Renewals - \$100)	\$194,000
72	Licensed Dentists and Dental Specialists (Corporate Name Approval - \$15.00)	\$1,080
144	Licensed Dentists, Dental Specialists and Hygienists (Verification of Licensure - \$15.00)	\$2,880
2	Licensed Dentists, Dental Specialists and Hygienists (Duplication of Original License - \$50)	\$100

1,046	Licensed Dentists, Dental Specialists and Hygienists (Duplication of Original License - \$5)	\$5,230
10	Licensed Dentists, Dental Specialists and Hygienists (Uncollectible Fee - \$25.00)	\$250
Total annual cost of compliance for the life of the rule		\$898,465.00 with a continuous annual decrease of \$10,455

III. WORKSHEET

See table above.

IV. ASSUMPTIONS

- The fiscal costs associated with
 - application and reexamination fees are reported in the rules governing licensure and reexamination;
 - licensees obtaining continuing education are reported in the rules governing continuing education; and
 - certification/permit fees are reported in the rule governing deep sedation/general anesthesia, parenteral conscious sedation, dental hygienists and dental assistants;
- The board estimates that 3,122 dentists will apply for renewal during the first year of implementation of the rule. Thereafter, the board is anticipating an annual decrease rate of 71 licensees. Therefore, the board estimates this proposed rule will cost private entities an estimated \$359,030 during the first year of implementation of the rule with a continuous annual decrease of \$8,165 for the life of the rule.
- The board estimates that 603 dental specialists will apply for renewal during the first year of implementation of the rule. Thereafter, the board is anticipating an annual growth rate of 2 licensees. Therefore, the board estimates this proposed rule will cost private entities an estimated \$75,375 during the first year of implementation of the rule with a continuous annual increase of \$250 for the life of the rule.
- The board estimates that 2,294 dental hygienists will apply for renewal during the first year of implementation of the rule. Thereafter, the board is anticipating an annual growth rate of 34 licensees. Therefore, the board estimates this proposed rule will cost private entities an estimated \$137,640 during the first year of implementation of the rule with a continuous annual increase of \$2,040 for the life of the rule.
- It is anticipated that the total annual cost will recur each year for the life of the rule, may vary with inflation and is expected to decrease annually at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 110—Missouri Dental Board
Chapter 2—General Rules**

PROPOSED RESCISSION

4 CSR 110-2.180 General Anesthesia. This rule defined and established rules for the administration of general anesthesia.

PURPOSE: This board is proposing to rescind this rule and replace it with a newly proposed rule to clearly define the regulation of the administration of deep sedation/general anesthesia.

AUTHORITY: section 332.031.2, RSMo Supp. 1997. Original rule filed April 14, 1982, effective Oct. 11, 1982. Amended: Filed Oct 13, 1983, effective Jan. 13, 1984. Amended: Filed Dec. 11, 1984, effective March 11, 1985. Amended: Filed April 16, 1985, effective Aug. 26, 1985. Amended: Filed Oct. 17, 1986, effective Dec. 25, 1986. Amended: Filed May 3, 1988, effective July 28, 1988. Amended: Filed Aug. 4, 1988, effective Oct. 27, 1988. Amended: Filed Nov. 2, 1989, effective Feb. 25, 1990. Amended: Filed Sept. 15, 1998, effective April 30, 1999. Rescinded: Filed June 12, 2001.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Dental Board, Sharlene Rimiller, Executive Director, PO Box 1367, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 110—Missouri Dental Board
Chapter 2—General Rules**

PROPOSED RULE

4 CSR 110-2.180 Deep Sedation/General Anesthesia

PURPOSE: This rule provides for the regulation of the administration of deep sedation/general anesthesia.

PUBLISHER'S NOTE: The publication of the full text of the material that the adopting agency has incorporated by reference in this rule would be unduly cumbersome or expensive. Therefore, the full text of that material will be made available to any interested person at both the Office of the Secretary of State and the office of the adopting agency, pursuant to section 536.031.4, RSMo. Such material will be provided at the cost established by state law.

(1) No dentist shall administer deep sedation/general anesthesia unless the dentist possesses a permit issued by the Missouri Dental Board. This permit shall be renewed by June 1 every five (5) years from the date of issuance.

(2) No dental office shall be the site for the administration of deep sedation/general anesthesia without being issued a site certificate by the Missouri Dental Board. The site certificate shall be renewed by June 1 every five (5) years from the date of issuance. The dentist in charge is responsible for submitting the application and

maintaining the documentation as required in sections (6) and (8) of this rule.

(3) If the primary administrator of deep sedation/general anesthesia is a Missouri State Board of Nursing recognized or licensed advanced practice nurse who is certified to administer anesthesia by a nationally recognized certifying body, which is approved by the Missouri State Board of Nursing in accordance with Chapter 335, RSMo, the advanced practice nurse shall work under the direct supervision of the dentist who holds a deep sedation/general anesthesia permit.

(4) Definitions.

(A) Deep sedation is a controlled state of depressed consciousness accompanied by partial loss of protective reflexes, including the inability to continually maintain an airway independently and/or to respond purposefully to verbal command, and is produced by a pharmacologic or non-pharmacologic method or a combination thereof.

(B) General anesthesia is a controlled state of unconsciousness accompanied by partial or complete loss of protective reflexes, including the inability to independently maintain an airway and respond purposefully to physical stimulation or verbal command, and is produced by a pharmacologic or non-pharmacologic method or a combination thereof.

(C) A dentist is one who is currently licensed to practice as a dentist in Missouri.

(D) A dental office is a facility where dentistry is practiced in accordance with the provisions of section 332.071, RSMo.

(E) A deep sedation/general anesthesia permit is a document issued by the Missouri Dental Board to a dentist that allows the dentist to administer deep sedation/general anesthesia. A permit is valid for five (5) years.

(F) A deep sedation/general anesthesia site certificate is a document issued by the Missouri Dental Board to a specific dental office where deep sedation/general anesthesia may occur. A site certificate is issued pursuant to a site evaluation conducted in accordance with established guidelines as defined in the *American Association of Oral and Maxillofacial Surgeons' Office Anesthesia Manual*, which is incorporated by reference. A site certificate is valid for five (5) years.

(5) To qualify for a permit to administer deep sedation/general anesthesia, a dentist shall:

(A) Complete a post-doctoral training program in anesthesia and related subjects that satisfies the requirements described in Part II of the *American Dental Association (ADA) Guidelines for Teaching the Comprehensive Control of Pain and Anxiety in Dentistry* at the time the training was commenced; or

(B) Complete an ADA accredited post-doctoral training program in oral and maxillofacial surgery; or

(C) Complete an anesthesia training program that is approved and accredited to teach postgraduate medical education by the Accreditation Council for Graduate Medical Education of the American Medical Association (AMA), the Education Committee of the American Osteopathic Association (AOA), or the Council on Accreditation of Nurse Anesthetist Education Programs (CANAEP); and

(D) Document completion of an Advanced Cardiac Life Support (ACLS) course or board-approved equivalent during the past five (5) years or a minimum of fifteen (15) hours of other board-approved continuing education pertaining to medical emergencies, anesthetic complications, or patient management while under deep sedation/general anesthesia. Any hours acquired beyond the required number may be carried forward into the next time block, not to exceed five (5) hours; and

(E) Document that anesthesia team members possess and maintain current certification in cardiopulmonary resuscitation (CPR) or Basic Life Support (BLS); and

(F) Have and maintain a properly equipped facility, including the capability of delivering positive pressure oxygen, blood pressure and electrocardiographic (ECG) monitoring and pulse oximetry, and personnel capable of handling procedures and emergencies incident to the administration for deep sedation/general anesthesia; and

(G) Undergo an on-site evaluation by consultants appointed by the board to confirm the adequacy of each facility and competency of the personnel. On-site evaluations shall be conducted in accordance with guidelines in the current *American Association of Oral and Maxillofacial Surgeons' Office Anesthesia Manual* that is incorporated by reference as though set forth here in full.

(6) To qualify for a deep sedation/general anesthesia site certificate, the dental office shall:

(A) Document that the primary administrator of deep sedation/general anesthesia:

1. Is a licensed physician with privileges in general anesthesia at an institution accredited by the Joint Commission on Accreditation of Healthcare Organizations (JCAHO) or the American Osteopathic Association (AOA), and has satisfied the continuing education requirements as defined in subsection (5)(D) of this rule; or

2. Is a licensed dentist with a valid deep sedation/general anesthesia permit; and

(B) Document that anesthesia team members, including the operating dentist, possess and maintain current certification in cardiopulmonary resuscitation (CPR) or Basic Life Support (BLS); and

(C) Be properly equipped and maintained as defined in subsection (5)(F) of this rule; and

(D) Undergo an on-site evaluation as defined in subsection (5)(G) of this rule.

(7) The board shall issue a deep sedation/general anesthesia permit upon receipt of a completed application form provided by the board, payment of the appropriate fee, and proof of having met the requirements of section (5) of this rule. The requirements of this section and the on-site evaluation for each site to be authorized must be completed within one (1) year of the date of submission of the application form.

(8) The board shall issue a deep sedation/general anesthesia site certificate upon receipt of a completed application form provided by the board, payment of the appropriate fee, and proof of having met the requirements of section (6) of this rule. The requirements of this section and the on-site evaluation for each site to be authorized must be completed within one (1) year of the date of submission of the application form.

(9) The board may authorize a dentist initially applying for a deep sedation/general anesthesia permit to administer deep sedation/general anesthesia pending an on-site evaluation according to subsection (5)(G) providing all other requirements outlined in sections (5) and (7) have been met. Such authorization shall be in writing and in effect for a period not to exceed ninety (90) days.

(10) When the primary administrator of anesthesia at a dental office is not a dentist with a valid deep sedation/general anesthesia permit, the board may authorize the dentist initially applying for a deep sedation/general anesthesia site certificate to allow the primary administrator to administer deep sedation/general anesthesia pending an on-site evaluation according to subsection (5)(G) providing all other requirements outlined in sections (6) and (8) have

been met. Such authorization shall be in writing and in effect for a period not to exceed ninety (90) days.

(11) Subsequent to an on-site evaluation as outlined in subsection (5)(G), the board, at its discretion, may issue a temporary authorization to administer deep sedation/general anesthesia to any dentist or dental office. Such authorization shall be in writing and in effect for a period not to exceed ninety (90) days. A reevaluation may be undertaken prior to issuance of a permit or site certificate. The fee for the reevaluation shall be the same as the initial evaluation.

(12) To renew a deep sedation/general anesthesia permit a dentist shall, at least ninety (90) days prior to the expiration of the current permit:

(A) Submit a completed renewal application form provided by the board; and

(B) Submit the renewal fee specified in 4 CSR 110-2.170 payable to the Missouri Dental Board; and

(C) Document completion of continuing education as defined in subsection (5)(D) of this rule; and

(D) Document that anesthesia team members possess and maintain current certification in cardiopulmonary resuscitation (CPR) or Basic Life Support (BLS); and

(E) Successfully complete an on-site evaluation as defined in subsection (5)(G) of this rule.

(13) To renew a site certificate for deep sedation/general anesthesia the dentist in charge shall, at least ninety (90) days prior to the expiration of the current site certificate:

(A) Submit a completed renewal application form provided by the board; and

(B) Submit the renewal fee specified in 4 CSR 110-2.170 payable to the Missouri Dental Board; and

(C) Document completion of continuing education by the physician administering deep sedation/general anesthesia as defined in subsection (5)(D) of this rule; and

(D) Document that anesthesia team members, including the operating dentist, possess and maintain current certification in cardiopulmonary resuscitation (CPR) or Basic Life Support (BLS); and

(E) Successfully complete an on-site evaluation as defined in subsection (5)(G) of this rule.

(14) A dentist holding a valid authorized permit for the administration of deep sedation/general anesthesia under the provisions of this rule may administer parenteral conscious sedation without a permit for parenteral conscious sedation as required under 4 CSR 110-2.181.

(15) At any time, the board may inspect sites where deep sedation/general anesthesia is administered in order to verify compliance with the minimum requirements of this rule.

(16) If at any time the board learns that a dentist who holds a deep sedation/general anesthesia permit, or a deep sedation/general anesthesia site certificate, has failed to meet the minimum qualifications set forth in this rule, the board may pursue disciplinary action in accordance with section 332.321, RSMo.

(17) The provisions of this rule are declared severable. If any provision of this rule is held invalid by a court of competent jurisdiction, the remaining provisions of this rule shall remain in full force and effect unless otherwise determined by a court of competent jurisdiction.

AUTHORITY: sections 332.031 and 332.071, RSMo 2000. Original rule filed April 14, 1982, effective Oct. 11, 1982. For intervening

history, please consult the Code of State Regulations. Rescinded and readopted: Filed June 12, 2001.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions an estimated \$3,856.26 annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

PRIVATE COST: This proposed rule will cost private entities an estimated \$5,013.34 annually for the life of the rule. It is anticipated that the total cost will recur annually for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Dental Board, Sharlene Rimiller, Executive Director, PO Box 1367, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

FISCAL NOTE PUBLIC ENTITY COST

I. RULE NUMBER

Title: 4 - Department of Economic Development

Division: 110 - Missouri Dental Board

Chapter: 2 - General Rules

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 110-2.180 Deep Sedation/General Anesthesia

Prepared April 17, 2001 by the Division of Professional Registration and the Missouri Dental Board

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance	
Missouri Dental Board (initial deep sedation/general anesthesia individual permit)	\$193.48	
Missouri Dental Board (renewal of deep sedation/general anesthesia individual permit)	\$812.82	
Missouri Dental Board (initial site certificate)	\$370.11	
Missouri Dental Board (renewal of site certificate)	\$1,987.01	
Missouri Dental Board (initial site certificate – general dentist)	\$239.54	
Missouri Dental Board (renewal of initial site certificate – general dentist)	\$253.30	
Total annual cost		\$3,856.26

III. WORKSHEET

INITIAL DEEP SEDATION/GENERAL ANESTHESIA INDIVIDUAL PERMIT COSTS

A deep sedation/general anesthesia individual permit allows a dentist to administer deep sedation/general anesthesia. The board anticipates 4 dentists will apply for a deep sedation/general anesthesia individual permit annually.

The following is a breakdown of the expense and equipment costs associated with issuing deep sedation/general anesthesia individual permits.

CLASSIFICATION	FEE AMOUNT	NUMBER IN CLASS	TOTAL ANNUAL COST
Application Printing Cost	\$.25	4	\$1.00
Evaluation Form Printing Cost	\$.19	4	\$.76
Practice Act Printing Cost	\$1.93	4	\$7.72
Letterhead Printing Cost	\$.15	4	\$.60
Envelope for Mailing Application	\$.16	4	\$.64
Postage for Mailing Initial Application	\$1.88	4	\$7.52
Printing Permit	\$.11	4	\$.44
Postage for Mailing Permit	\$.34	4	\$1.36

Total expense and equipment costs associated with issuing deep sedation/general anesthesia individual permits: \$20.04

The following is a breakdown of the personal service costs associated with issuing deep sedation/general anesthesia individual permits.

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFITS	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION	COST PER APPLICATION	TOTAL ANNUAL COST
.5 Licensure Technician I	\$11,388	\$15,184	\$7.30	\$.13	84 minutes	\$10.92	\$43.68
Licensure Technician II	\$25,380	\$33,839	\$16.27	\$.28	12 minutes	\$3.36	\$13.44
Executive I	\$31,782	\$42,375	\$20.38	\$.34	12 minutes	\$4.08	\$16.32

Total personal service costs associated with issuing deep sedation/general anesthesia individual permits: \$73.44

Of the 4 dentists applying for a deep sedation/general anesthesia individual permit, the board assumes, based on historical data, that 1 of the 4 permit holders initially applying for a permit will go into an existing practice that already holds a site certificate, therefore this dentist will need to undergo an on-site evaluation by a team consisting of 2 evaluators to confirm the adequacy of the facility and competency of the personnel. Each evaluator will receive a per diem of \$50.00 per day. Therefore, the board estimates \$100 will be paid to the evaluators for per diem. In addition to per diem, evaluators are reimbursed for mileage and necessary expenses. Due to the various geographic locations of the dental facilities and the evaluators it is not possible to accurately estimate the cost the evaluator could incur while conducting a site visit.

The board estimates that issuing deep sedation/general anesthesia individual permits will cost the board approximately \$193.48 annually.

INDIVIDUAL DEEP SEDATION/GENERAL ANESTHESIA PERMIT RENEWAL COSTS

Individual deep sedation/general anesthesia permits are valid for 5 years from the issuance date. The board estimates of the 105 current permit holders, 21 dentists will renew their deep sedation/general anesthesia permits annually.

The following is a breakdown of the expense and equipment costs associated with renewing deep sedation/general anesthesia individual permits.

CLASSIFICATION	FEE AMOUNT	NUMBER IN CLASS	TOTAL ANNUAL COST
Renewal Application Printing Cost	\$.15	21	\$3.15
Evaluation Printing Cost	\$.19	21	\$3.99
Envelope for Mailing Renewal Application	\$.16	21	\$3.36
Postage for Mailing Renewal Application	\$.34	21	\$7.14
Printing the Permit	\$.11	21	\$2.31
Postage for Mailing Permit	\$.34	21	\$7.31

Total expense and equipment costs associated with renewing individual deep sedation/general anesthesia individual permits: \$27.26

The following is a breakdown of the personal service costs associated with renewing individual deep sedation/general anesthesia individual permits.

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFITS	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION	COST PER APPLICATION	TOTAL ANNUAL COST
.5 Licensure Technician I	\$11,388	\$15,184	\$7.30	\$.13	84 minutes	\$10.92	\$229.32
Licensure Technician II	\$25,380	\$33,839	\$16.27	\$.28	12 minutes	\$3.36	\$70.56
Executive I	\$31,782	\$42,375	\$20.38	\$.34	12 minutes	\$4.08	\$85.68

Total personal service costs associated with renewing individual deep sedation/general anesthesia individual permits: \$385.56

Of the 21 dentists renewing their deep sedation/general anesthesia individual permit, the board assumes 17 will also renew their site certificate. Therefore, the 4 dentists who do not hold a site certificate will need to undergo an on-site evaluation by a team consisting of 2 evaluators to confirm the adequacy of the facility and competency of the personnel. Each evaluator will receive a per diem of \$50.00 per day. Therefore, the board estimates \$400 will be paid to the evaluators for per diem. In addition to per diem, evaluators are reimbursed for mileage and necessary expenses. Due to the various geographic locations of the dental facilities and the evaluators it is not possible to accurately estimate the cost the evaluator could incur while conducting a site visit.

The board estimates renewing deep sedation/general anesthesia individual permits will cost the board approximately \$812.82 annually.

INITIAL SITE CERTIFICATE APPLICATION COSTS

A site certificate is issued to each dental office where deep sedation/general anesthesia may occur. The board anticipates 4 dentists will apply for an initial deep sedation/general anesthesia individual permit annually. The board assumes, based on historical data, that 3 of the 4 permit holders initially applying for a site certificate will not be going into an existing practice that already holds a site certificate. Therefore, a new site certificate is required for these 3 permit holders.

The following is a breakdown of the expense and equipment costs associated with issuing each initial site certificates.

CLASSIFICATION	FEE AMOUNT	NUMBER IN CLASS	TOTAL ANNUAL COST
Application Printing Cost	\$.25	3	\$.75
Evaluation Printing Cost	\$.19	3	\$.57
Practice Act Printing Cost	\$1.93	3	\$5.79
Letterhead Printing Cost	\$.15	3	\$.45
Envelope for Mailing Application	\$.16	3	\$.48
Postage for Mailing Initial Application	\$1.88	3	\$5.64
Printing the Certificate	\$.11	3	\$.33
Postage for Mailing Certificate	\$.34	3	\$1.02

Total expense and equipment costs associated with issuing each initial site certificates \$15.03

The following is a breakdown of the personal service costs associated with issuing each new site certificates.

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFITS	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION	COST PER APPLICATION	TOTAL ANNUAL COST
.5 Licensure Technician I	\$11,388	\$15,184	\$7.30	\$.13	84 minutes	\$10.92	\$32.76
Licensure Technician II	\$25,380	\$33,839	\$16.27	\$.28	12 minutes	\$3.36	\$10.08
Executive I	\$31,782	\$42,375	\$20.38	\$.34	12 minutes	\$4.08	\$12.24

Total personal service costs associated with issuing each new site certificates: \$55.08

The board assumes that a team consisting of 2 evaluators will conduct a site visit as part of the application process to inspect facility equipment and review the emergency protocols and staff credentials. Each evaluator will receive a per diem of \$50.00 per day. Therefore, the board estimates \$300 will be paid to the evaluators for per diem. In addition to per diem, evaluators are reimbursed for mileage and necessary expenses. Due to the various geographic locations of the dental facilities and the evaluators it is not possible to accurately estimate the cost the evaluator could incur while conducting a site visit.

Based on this assumption, the board estimates this application process will cost the board approximately \$370.11 annually.

SITE CERTIFICATE RENEWAL COST

Deep Sedation/general anesthesia site certificates are renewed every five years from the year of issuance. The board anticipates that of the 86 permitted sites, 17 sites will renew their deep sedation/general anesthesia certificates annually.

The following is a breakdown of the expense and equipment costs associated with renewing site certificates.

CLASSIFICATION	FEE AMOUNT	NUMBER IN CLASS	TOTAL ANNUAL COST
Renewal Application Printing Cost	\$.15	17	\$2.55

Evaluation Printing Cost	\$.19	17	\$3.23
Envelope for Mailing Renewal Application	\$.16	17	\$2.72
Postage for Mailing Renewal Application	\$.34	17	\$5.78
Printing the Certificate	\$.11	17	\$1.87
Postage for Mailing Certificate	\$.34	17	\$5.78

Total expense and equipment costs associated with renewing site certificates: \$21.93

The following is a breakdown of the personal service costs associated with renewing site certificates.

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFITS	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION	COST PER APPLICATION	TOTAL ANNUAL COST
5 Licensure Technician I	\$11,388	\$15,184	\$7.30	\$.13	84 minutes	\$10.92	\$185.64
Licensure Technician II	\$25,380	\$33,839	\$16.27	\$.28	12 minutes	\$3.36	\$10.08
Executive I	\$31,782	\$42,735	\$20.38	\$.34	12 minutes	\$4.08	\$69.36

Total costs associated with renewing site certificates: \$265.08

The board assumes that a team consisting of 2 evaluators will conduct a site visit as part of the application process to inspect facility equipment and review the emergency protocols and staff credentials. Each evaluator will receive a per diem of \$50.00 per day. Therefore, the board estimates \$1,700 will be paid to the evaluators for per diem. In addition to per diem, evaluators are reimbursed for mileage and necessary expenses. Due to the various geographic locations of the dental facilities and the evaluators it is not possible to accurately estimate the cost the evaluator could incur while conducting a site visit.

- The board estimates this renewal process will cost the board approximately \$1,987.01 annually.

INITIAL SITE CERTIFICATE APPLICATION COSTS BY GENERAL DENTISTS

A site certificate is issued to each dental office where deep sedation/general anesthesia may occur. The board anticipates 2 general dentists will apply for a deep sedation/general anesthesia site certificate annually.

The following is a breakdown of the expense and equipment costs associated with issuing initial site certificates for general dentists.

CLASSIFICATION	SEE AMOUNT	NUMBER IN CLASS	TOTAL ANNUAL COST
Application Printing Cost	\$.25	2	\$.50
Evaluation Printing Cost	\$.19	2	\$.38
Practice Act Printing Cost	\$1.93	2	\$3.86
Letterhead Printing Cost	\$.15	2	\$.30
Envelope for Mailing Application	\$.16	2	\$.32
Postage for Mailing Initial Application	\$1.88	2	\$3.76
Printing the Certificate	\$.11	2	\$.22
Postage for Mailing Certificate	\$.34	2	\$.68

Total expense and equipment costs associated with issuing initial site certificates for general dentists: \$10.02

The following is a breakdown of the personal service costs associated with issuing initial site certificates for general dentists.

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFITS	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION	COST PER APPLICATION	TOTAL ANNUAL COST
5 Licensure Technician I	\$11,388	\$15,184	\$7.30	\$.13	84 minutes	\$10.92	\$21.84
Licensure Technician II	\$25,380	\$33,839	\$16.27	\$.28	12 minutes	\$3.36	\$6.72
Executive I	\$31,782	\$43,375	\$20.38	\$.34	12 minutes	\$4.08	\$8.16

Total personal service costs associated with issuing initial site certificates for general dentists: \$29.52

The board assumes that a team consisting of 2 evaluators will conduct a site visit as part of the application process to inspect facility equipment and review the emergency protocols and staff credentials. Each evaluator will receive a per diem of \$50.00 per day. Therefore, the board estimates \$200 will be paid to the evaluators for per diem. In addition to per diem, evaluators are reimbursed for mileage and necessary expenses. Due to the various geographic locations of the dental facilities and the evaluators it is not possible to accurately estimate the cost the evaluator could incur while conducting a site visit.

- The board estimates this application process will cost the board approximately \$239.54 annually.

SITE CERTIFICATE RENEWAL COSTS BY GENERAL DENTISTS

Deep Sedation/general anesthesia site certificates are renewed every five years from the year of issuance. The board anticipates that 2 general dentists will renew their deep sedation/general anesthesia certificates annually.

The following is a breakdown of the expense and equipment costs associated with issuing initial site certificates for general dentists.

CLASSIFICATION	FEE AMOUNT	NUMBER IN CLASS	TOTAL ANNUAL COST
Renewal Application Printing Cost	\$.15	2	\$.30
Evaluation Printing Cost	\$.19	2	\$.38
Envelope for Mailing Renewal Application	\$.16	2	\$.32
Postage for Mailing Renewal Application	\$.34	2	\$.68
Printing the Certificate	\$.11	2	\$.22
Postage for Mailing Certificate	\$.34	2	\$.68

Total expense and equipment costs associated with issuing initial site certificates for general dentists: \$2.58

The following is a breakdown of the expense and equipment costs associated with renewing site certificates for general dentists.

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFITS	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION	COST PER APPLICATION	TOTAL ANNUAL COST
5 Licensure Technician I	\$11,388	\$15,184	\$7.30	\$.13	84 minutes	\$10.92	\$21.84
Licensure Technician II	\$25,380	\$33,839	\$16.27	\$.28	12 minutes	\$3.36	\$6.72
Executive I	\$31,782	\$42,375	\$20.38	\$.34	12 minutes	\$4.08	\$8.16

Total personal service costs associated with issuing initial site certificates for general dentists: \$36.72

The board assumes that a team consisting of 2 evaluators will conduct a site visit as part of the renewal process to inspect the equipment and review the emergency protocols and staff credentials. Each evaluator will receive a per diem of \$50.00 per day. In addition to per diem, evaluators are reimbursed for mileage and necessary expenses. Due to the various geographic locations of the dental facilities and the evaluators it is not possible to accurately estimate the cost the evaluator could incur while conducting a site visit. The board estimates that 2 site visits will occur annually as a part of the renewal, therefore, the annual cost to the Missouri Dental Board for the site inspections will be \$200.00 annually.

- The board anticipates 2 dentists will renew their site certificate annually. Based on this assumption, the board estimates this renewal process will cost the board approximately \$239.30 annually.

IV. ASSUMPTIONS

- The number of individuals by class are based on actual figures from FY00 and projected figures in FY01.
- Employee's salaries were calculated using their annual salary multiplied by 33.33% for fringe benefits and then were divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the processing of applications or renewals. The total cost was based on the cost per application multiplied by the estimated number of applications or renewals.

Renewal applications are processed by the division central processing unit. In FY00 the Missouri Board for Architects, Professional Engineers and Professional Land Surveyors transferred \$892 to the division for this service.

The board estimates that approximately biennially 45 land surveyors will renew their license after the expiration date. The Clerk Stenographer II who reviews these renewal applications and updates the information contained on the renewal to the licensing computer system.

The figures below represent the personal service costs paid by the Missouri Board for Architects, Professional Engineers and Professional Land Surveyors for the renewal and reactivation process.

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFITS	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION	COST PER APPLICATION	TOTAL ANNUAL COST
Clerk Stenographer II	\$21,192	\$28,255	\$13.59	\$.23	5 minutes	\$1.15	\$1,048.80

**Total personal service costs associated with \$1,048.80
associated with land surveyor
renewal and reactivation:**

IV. ASSUMPTIONS

- The number of licensees by class are based on actual figures from FY00 and projected figures in FY01.
- Employee's salaries were calculated using their annual salary multiplied by 33.33% for fringe benefits and then were divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the processing of applications or renewals. The total cost was based on the cost per application multiplied by the estimated number of applications or renewals.
- The total costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

FISCAL NOTE PRIVATE ENTITY COST

I. RULE NUMBER

Title: 4 – Department of Economic Development

Division: 110 – Missouri Dental Board

Chapter: 2 – General Rules

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 110-2.180 Deep Sedation/General Anesthesia

Prepared April 17, 2001 by the Division of Professional Registration and the Missouri Dental Board

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate annual cost of compliance with the rule by the affected entities:
4	Dentists Applying for a Deep Sedation/General Anesthesia Individual Permit @ \$108.68	\$434.72
21	Dentists Applying for Renewal of an Individual Deep Sedation/General Anesthesia Permit @ \$101.180	\$2,137.80
3	Dentists in Charge Applying for a Site Certificate @ \$103.68	\$311.04
17	Dentists In Charge Applying for Renewal of a Deep Sedation/General Anesthesia Site Certificate @ \$101.18	\$1,720.06
2	General Dentists Applying for a Site Certificate @ \$103.68	\$207.36
2	General Dentists Applying for Renewal of a Deep Sedation/General Anesthesia Site Certificate @ \$101.18	\$202.36
Total annual cost for the life of the rule		\$5,013.34

III. WORKSHEET

Initial Deep Sedation/General Anesthesia Individual Permit Application Costs:

Application Fee @ \$100
Photocopy Fee @ \$.50 (ACLS or board-approved continuing education course)
Transcript Fee @ \$5.00
Notary @ \$2.50
Postage --@ \$.68 TOTAL \$108.68

Initial Site Certificate Application Costs:

Application Fee @ \$100
Notary @ \$2.50
Photocopy Fee @ \$.50 (ACLS or board-approved continuing education course)
Postage --@ \$.68 TOTAL \$103.68

Renewal Costs:

Renewal Fee @ \$100
Photocopy Fee @ \$.50 (ACLS or board-approved continuing education course)
Postage --@ \$.68 TOTAL \$101.18

IV. ASSUMPTIONS

- The number of individuals by class are based on actual figures from FY00 and projected figures in FY01.
- The board anticipates that each licensee that submits an initial application or renewal to the board will be required to submit photocopies of their ACLS certification or other board approved continuing education. The hours required to maintain current ACLS certification and/or other board approved continuing education that is required by this rule for renewal every five years are hours that can be used for renewal of the dental license every year. Costs associated with continuing education is reported in the fiscal note for the board rule 4 CSR 110-2.240. Therefore, the board estimates the continuing education requirements for this rule will not result in additional costs to the permit holder.
- The board estimates the private entity cost will be \$5,000.32 annually for the life of the rule. The total annual cost will recur each year for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 120—New Manufactured Homes**

PROPOSED AMENDMENT

4 CSR 240-120.011 Definitions. This proposal amends the following sections of this rule: section (1) and subsection (1)(E).

PURPOSE: This rule defines the terms used in this chapter and is amended to reflect the deregulation of recreational vehicles.

(1) The following definitions, as well as those set out in section 700.010, RSMo [1986] 2000, shall apply to this chapter:

(E) Director means the director of the [Division of Manufactured Homes, Recreational Vehicles and Modular Units] **Manufactured Housing and Modular Units Program** of the Public Service Commission and those working under his/her supervision;

AUTHORITY: section 700.040, RSMo [Supp. 1989] 2000. Emergency rule filed Nov. 12, 1976, effective Nov. 22, 1976, expired March 22, 1977. Original rule filed Nov. 12, 1976, effective Feb. 11, 1977. Amended: Filed Oct. 12, 1982, effective Jan. 13, 1983. Amended: Filed June 12, 2001.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions less than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities less than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Public Service Commission, Dale Hardy Roberts, Secretary, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 120—New Manufactured Homes**

PROPOSED RULE

4 CSR 240-120.065 Manufactured Home Dealer Setup Responsibilities

PURPOSE: This rule sets forth the extent to which manufactured home dealers are responsible for proper initial setup of new manufactured homes.

(1) A dealer who sells a new manufactured home shall arrange for the proper initial setup of the manufactured home unless the dealer obtains from the purchaser or the purchaser's authorized agent a written waiver of that service as described in section 700.100.3(6), RSMo.

(2) As used in this rule, "proper initial setup" means installation and setup of the home in accordance with the installation manual provided by the manufacturer of the home and in complete compliance with the code and with all of the provisions regarding setup in sections 700.010 to 700.115, RSMo.

(3) If a dealer fails to arrange for the proper initial setup of a manufactured home, the commission may discipline the dealer's registration by suspending it, revoking it, or placing it on probation, pursuant to the provisions of section 700.100, RSMo.

(4) The commission shall not so discipline the dealer's registration unless the director of the commission's manufactured housing and modular units program finds, incident to an inspection, setup deficiencies and initiates action to discipline the registration within five (5) years after the date of sale.

(5) The dealer shall legibly print the date of sale on the bill of sale that it provides to the purchaser pursuant to section 700.056, RSMo, and shall maintain a copy of the bill of sale in its files at the location where it sold the home to the purchaser, if possible; otherwise at its principal office.

AUTHORITY: section 700.040, RSMo 2000. Original rule filed June 12, 2001.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions less than \$500 in the aggregate.

PRIVATE COST: This proposed rule will cost private entities less than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Public Service Commission, Dale Hardy Roberts, Secretary, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 121—Preowned Manufactured Homes**

PROPOSED RULE

4 CSR 240-121.055 Manufactured Home Dealer Setup Responsibilities

PURPOSE: This rule sets forth the extent to which manufactured home dealers are responsible for proper initial setup of preowned manufactured homes.

(1) A dealer who sells a preowned manufactured home shall arrange for the proper initial setup of the manufactured home unless the dealer obtains from the purchaser or the purchaser's authorized agent a written waiver of that service as described in section 700.100.3(6), RSMo.

(2) As used in this rule, "proper initial setup" means installation and setup of the home in accordance with the installation manual provided by the manufacturer of the home and in complete compliance with the code and with all of the provisions regarding setup in sections 700.010 to 700.115, RSMo.

(3) If a dealer fails to arrange for the proper initial setup of a manufactured home, the commission may discipline the dealer's registration by suspending it, revoking it, or placing it on probation, pursuant to the provisions of section 700.100, RSMo.

(4) The commission shall not so discipline the dealer's registration unless the director of the commission's manufactured housing and modular units program finds, incident to an inspection, setup deficiencies and initiates action to discipline the registration within five (5) years after the date of sale.

(5) The dealer shall legibly print the date of sale on the bill of sale that it provides to the purchaser pursuant to section 700.056, RSMo, and shall maintain a copy of the bill of sale in its files at the location where it sold the home to the purchaser, if possible; otherwise at its principal office.

AUTHORITY: section 700.040, RSMo 2000. Original rule filed June 12, 2001.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions less than \$500 in the aggregate.

PRIVATE COST: This proposed rule will cost private entities less than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Public Service Commission, Dale Hardy Roberts, Secretary, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 240—Public Service Commission
Chapter 122—Recreational Vehicles**

PROPOSED RESCISSION

4 CSR 240-122.010 Definitions. This rule defined the terms used in this chapter.

PURPOSE: This rule is being rescinded as a result of the passage of Senate Bill No. 19, effective August 28, 1999, which repealed all recreational vehicle regulations.

AUTHORITY: section 700.040, RSMo 1986. Emergency rule filed Nov. 12, 1976, effective Nov. 22, 1976, expired March 22, 1977. Original rule filed Nov. 12, 1976, effective Feb. 11, 1977. Amended: Filed Oct. 12, 1982, effective Jan. 13, 1983. Rescinded: Filed June 12, 2001.

PUBLIC COST: The proposed rescission of this rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: The proposed rescission of this rule will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Public Service Commission, Dale Hardy Roberts, Secretary, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 240—Public Service Commission
Chapter 122—Recreational Vehicles**

PROPOSED RESCISSION

4 CSR 240-122.020 Administration and Enforcement. This rule delegated the responsibility for administering and enforcing the code, this chapter and Chapter 700, RSMo as it related to recreational vehicles.

PURPOSE: This rule is being rescinded as a result of the passage of Senate Bill No. 19, effective August 28, 1999, which repealed all recreational vehicle regulations.

AUTHORITY: section 700.040, RSMo 1986. Emergency rule filed Nov. 12, 1976, effective Nov. 22, 1976, expired March 22, 1977. Original rule filed Nov. 12, 1976, effective Feb. 11, 1977. Rescinded: Filed June 12, 2001.

PUBLIC COST: The proposed rescission of this rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: The proposed rescission of this rule will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Public Service Commission, Dale Hardy Roberts, Secretary, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 240—Public Service Commission
Chapter 122—Recreational Vehicles**

PROPOSED RESCISSION

4 CSR 240-122.030 Seals. This rule described the recreational vehicles to which seals or approved insignia must be affixed and the standards and procedures which related to the issuance of seals and the removal of seals and approved insignia.

PURPOSE: This rule is being rescinded as a result of the passage of Senate Bill No. 19, effective August 28, 1999, which repealed all recreational vehicle regulations.

AUTHORITY: section 700.040, RSMo Supp. 1989. Emergency rule filed Nov. 12, 1976, effective Nov. 22, 1976, expired March 22, 1977. Original rule filed Nov. 12, 1976, effective Feb. 11, 1977. Amended: Filed Oct. 12, 1982, effective Jan. 13, 1983. Amended: Filed Nov. 20, 1990, effective April 29, 1991. Rescinded: Filed June 12, 2001.

PUBLIC COST: The proposed rescission of this rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: The proposed rescission of this rule will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Public Service Commission, Dale Hardy Roberts, Secretary, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 240—Public Service Commission
Chapter 122—Recreational Vehicles**

PROPOSED RESCISSION

4 CSR 240-122.040 Approval of Manufacturing Programs. This rule established the procedure under which a manufacturing

program might be approved and the circumstances under which an approval of a manufacturing program would lapse, expire or be withdrawn.

PURPOSE: This rule is being rescinded as a result of the passage of Senate Bill No. 19, effective August 28, 1999, which repealed all recreational vehicle regulations.

AUTHORITY: section 700.040, RSMo Supp. 1990. Emergency rule filed Nov. 12, 1976, effective Nov. 22, 1976, expired March 22, 1977. Original rule filed Nov. 12, 1976, effective Feb. 11, 1977. Amended: Filed Oct. 12, 1982, effective Jan. 13, 1983. Amended: Filed Nov. 20, 1990, effective April 29, 1991. Rescinded: Filed June 12, 2001.

PUBLIC COST: The proposed rescission of this rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: The proposed rescission of this rule will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Public Service Commission, Dale Hardy Roberts, Secretary, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 122—Recreational Vehicles**

PROPOSED RESCISSION

4 CSR 240-122.050 Inspection of Manufacturer Books, Records, Inventory and Premises. This rule set forth the extent to which manufacturer books, records, inventory and premises were subject to inspection by the director.

PURPOSE: This rule is being rescinded as a result of the passage of Senate Bill No. 19, effective August 28, 1999, which repealed all recreational vehicle regulations.

AUTHORITY: section 700.040, RSMo 1986. Emergency rule filed Nov. 12, 1976, effective Nov. 22, 1976, expired March 22, 1977. Original rule filed Nov. 12, 1976, effective Feb. 11, 1977. Rescinded: Filed: June 12, 2001.

PUBLIC COST: The proposed rescission of this rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: The proposed rescission of this rule will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Public Service Commission, Dale Hardy Roberts, Secretary, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 122—Recreational Vehicles**

PROPOSED RESCISSION

4 CSR 240-122.060 Inspection of Dealer's Books, Records, Inventory and Premises. This rule set forth the extent to which dealer's books, records, inventory and premises were subject to inspection by the director.

PURPOSE: This rule is being rescinded as a result of the passage of Senate Bill No. 19, effective August 28, 1999, which repealed all recreational vehicle regulations.

AUTHORITY: section 700.040, RSMo 1986. Emergency rule filed Nov. 12, 1976, effective Nov. 22, 1976, expired March 22, 1977. Original rule filed Nov. 12, 1976, effective Feb. 11, 1977. Rescinded: Filed June 12, 2001.

PUBLIC COST: The proposed rescission of this rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: The proposed rescission of this rule will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Public Service Commission, Dale Hardy Roberts, Secretary, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 122—Recreational Vehicles**

PROPOSED RESCISSION

4 CSR 240-122.070 Inspection of Preowned Recreational Vehicles Rented, Leased or Sold or Offered for Rent, Lease or Sale by Persons Other Than Dealers. This rule set forth the extent to which preowned recreational vehicles rented, leased or sold or offered for rent, lease or sale by persons other than dealers were subject to inspection by the director.

PURPOSE: This rule is being rescinded as a result of the passage of Senate Bill No. 19, effective August 28, 1999, which repealed all recreational vehicle regulations.

AUTHORITY: section 700.040, RSMo 1986. Emergency rule filed Nov. 12, 1976, effective Nov. 22, 1976, expired March 22, 1977. Original rule filed Nov. 12, 1976, effective Feb. 11, 1977. Rescinded: Filed June 12, 2001.

PUBLIC COST: The proposed rescission of this rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: The proposed rescission of this rule will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Public Service Commission, Dale Hardy Roberts, Secretary, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 122—Recreational Vehicles**

PROPOSED RESCISSION

4 CSR 240-122.080 Code. This rule established the code for recreational vehicles which entered the first stage of production after November 21, 1976 which were rented, leased or sold or offered for rent, lease or sale in this state.

PURPOSE: This rule is being rescinded as a result of the passage of Senate Bill No. 19, effective August 28, 1999, which repealed all recreational vehicle regulations.

AUTHORITY: section 700.010, RSMo 1986. Emergency rule filed Nov. 12, 1976, effective Nov. 22, 1976, expired March 22, 1977. Original rule filed Nov. 12, 1976, effective Feb. 11, 1977. Emergency amendment filed July 3, 1989, effective July 13, 1989, expired Nov. 9, 1989. Amended: Filed July 3, 1989, effective Nov. 1, 1989. Amended: Filed Nov. 20, 1990, effective April 29, 1991. Rescinded: Filed June 12, 2001.

PUBLIC COST: The proposed rescission of this rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: The proposed rescission of this rule will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Public Service Commission, Dale Hardy Roberts, Secretary, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 122—Recreational Vehicles**

PROPOSED RESCISSION

4 CSR 240-122.090 Complaints and Review of Director Action. This rule provided for the manner in which complaints might be filed and the procedure by which commission review of the decisions, directives and interpretations of the director might be obtained.

PURPOSE: This rule is being rescinded as a result of the passage of Senate Bill No. 19, effective August 28, 1999, which repealed all recreational vehicle regulations.

AUTHORITY: section 700.040, RSMo 1986. Emergency rule filed Nov. 12, 1976, effective Nov. 22, 1976, expired March 22, 1977. Original rule filed Nov. 12, 1976, effective Feb. 11, 1977. Rescinded: Filed June 12, 2001.

PUBLIC COST: The proposed rescission of this rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: The proposed rescission of this rule will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Public Service Commission, Dale Hardy Roberts, Secretary, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 123—Modular Units**

PROPOSED AMENDMENT

4 CSR 240-123.010 Definitions. This proposal amends the following sections of this rule: section (1), subsection (B), subsection (C); subsection (D); subsection (E); adds a new subsection (H); and reletters subsection (H); subsection (I); subsection (J); and subsection (K).

PURPOSE: This rule defines the terms used in this chapter and is amended to reflect the deregulation of recreational vehicles in addition to adding a new definition.

(1) The following definitions, as well as those set out in section 700.010, RSMo [1986] 2000 shall apply to this chapter:

(B) Approved insignia means an insignia issued by a state with which this state has entered into a reciprocity agreement under section 700.030, RSMo [1986] 2000;

(C) Approved manufacturing program means a manufacturing program approved in writing by the director as conforming to the requirements of this chapter, the code and Chapter 700, RSMo [1986] 2000 as it relates to modular [homes] units;

(D) Code means the standards relating to manufactured homes[, recreational vehicles] or modular units as adopted by the commission. The commission, in its discretion, may incorporate, in whole or in part, the standards codes promulgated by the American National Standards Institute, the United States Department of Housing and Urban Development or other recognized agencies or organizations;

(E) Director means the director of the [Division of Manufactured Homes, Recreational Vehicles and Modular Units] Manufactured Housing and Modular Units Program of the Public Service Commission and those working under his/her supervision;

(H) Detailed plan means a detailed set of plans and specifications of each modular unit produced by a manufacturer;

[(H)](I) Modular unit means a factory fabricated transportable building section designed to be used by itself or to be incorporated with other sections at a building site into single modular structures to be used for residential, commercial, educational or industrial purposes. For purposes of this chapter, modular unit only means a unit(s) making up a completed modular structure. Separate modular sections are not modular units until assembled into a single modular unit. A manufactured modular unit may be moved as more than one (1) unit, but shall not consist of panels, nor individual pieces to be assembled on the permanent foundation or be more than those necessary pieces needed to complete final setup;

[(I)](J) Replacement seal means a seal which has been issued to replace a lost, mutilated or otherwise unserviceable seal or approved insignia; and

[(J)](K) Seal as defined by section 700.010, RSMo [1986] 2000 includes replacement seal.

AUTHORITY: section [700.100] 700.040, RSMo [1986] 2000. Original rule filed Aug. 16, 1979, effective Dec. 15, 1979. Amended: Filed Oct. 12, 1982, effective Jan. 13, 1983. Amended: Filed June 12, 2001.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions less than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities less than \$500 in the aggregate.

NOTICE TO SUBMIT TO SUBMIT COMMENTS: Anyone may file a statement in support of or opposition to this proposed amendment with the Public Service Commission, Dale Hardy Roberts, Secretary, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT Division 240—Public Service Commission Chapter 123—Modular Units

PROPOSED AMENDMENT

4 CSR 240-123.030 **Seals.** This proposal amends the following sections of this rule: section (2); section (3) subsection (B); and section (4); section (5); section (5) subsection (B), (C), (D) and (E); and sections (6) through (13).

PURPOSE: This rule establishes the standards and procedures which relate to the issuance and removal of seals for modular units and is amended to reflect changes in the fees for obtaining seals, to clarify inspection criteria, and to designate the location of an affixed seal.

(2) An application for a seal shall be submitted to the director and it shall be executed on a form which shall be provided by *[him/her upon delivery to him/her of a nonrefundable two dollar (\$2) fee.]* the director. One (1) form may be used to apply for all seals required at a given time.

(3) To be complete, an application for seals to be affixed to modular units manufactured or **to** be manufactured under an approved manufacturing program shall be executed by the manufacturer (or the manufacturer's authorized representative if the manufacturer is a corporation) of the modular unit to which the requested seals will be affixed and shall include:

(B) A nonrefundable fee of *[twenty] eighty* dollars *[\$20] (\$80)* for each seal requested.

[(4) Within eight (8) working days after a complete application has been received by the director, the director shall inspect for code compliance each modular unit for which a seal has been requested, unless it has been or will be manufactured under an approved manufacturing program. If through no fault of the applicant the inspection is not conducted within the prescribed time, the requested seal shall be issued within the required time if no basis for rejection is found on the face of the application.]

[(5)] (4) The director is authorized to refuse to issue a seal under **any of** the following circumstances:

(B) If the director has not approved the applicant's manufacturing program; *[or if the director's approval of the applicant's manufacturing program has lapsed, expired or been withdrawn;]*

(C) If the director's approval of the applicant's manufacturing program has lapsed, expired or been withdrawn;

[(C)] (D) If at the time of application the director has reason to believe that the applicant is failing to abide by Chapter 700, RSMo [1986] 2000; *[and]*

[(D)] (E) If the director has reason to believe that the seal will be placed on a unit which is not a complete modular unit.

[(6)] (5) A seal or a written refusal to issue a seal shall be issued by the director within ten (10) working days after s/he has received a complete application. A notice of refusal shall specify the reason for refusal.

[(7)] (6) Seals shall be delivered by one (1) of the following methods:

(A) By prepaid certified mail, requesting a return receipt signed by addressee only, sent to the applicant's place of business; or

(B) By delivery to an applicant in person at the office of the secretary of the commission. Upon delivery of seals by this method, the applicant shall provide to the secretary of the commission a written acknowledgement of receipt.

[(8)] (7) A seal shall be affixed *[with a permanent weather-proof adhesive]* to the *[outside surface in the right rear corner]* **electric panel box or other accessible inside location** of a completed modular unit *[(structure)]*. A seal shall be located so that person(s) shall have an unobstructed view of seal.

[(9)] (8) Within thirty (30) days of the discovery that a seal issued to him/her has become lost, mutilated or otherwise unserviceable, a dealer or manufacturer shall provide written notice of such to the director.

[(10)] (9) Any person to whom a seal has been issued or who owns a modular unit to which a seal or approved insignia has been affixed may apply for the replacement of such seal or approved insignia if it becomes lost, mutilated or otherwise unserviceable. Applications for replacement seals shall be made on the same forms and in the same manner as applications for seals are made under this rule. A fee of *[ten] twenty* dollars *[\$10] (\$20)* shall be charged for a replacement seal.

[(11)] (10) Seals and approved insignia may be removed by the director from any modular unit *[a]* which is found to be in violation of the code which was in effect when it entered the first stage of production. Seals issued to a person who manufactures modular units under an approved manufacturing program must be returned to the director immediately if the approval is withdrawn by the director.

[(12)] (11) If the director removes a seal or approved insignia from a modular unit, s/he shall provide written notice of such action to the owner of the unit. The notice shall be mailed within five (5) working days of the removal and shall be sent by prepaid certified mail, requesting a return receipt signed by addressee only, to the last known address of the owner. The notice shall state the reason for the removal.

[(13)] (12) When a seal or approved insignia is removed by the director, s/he shall place a prohibited sale notice in the location specified for the seal in section *[(9)] (7)* of this rule. A prohibited sale notice shall state that the rental, lease or sale or the offering for rent, lease or sale of the modular unit to which the notice is

attached is prohibited under section 700.015, RSMo [(1986)] **2000**. The prohibited sale notice shall also state that further information may be obtained from the director, whose name, address and telephone number shall be listed. A copy of the prohibited sale notice shall be filed with the commission.

*AUTHORITY: section 700.040, RSMo [1986] **2000**. Original rule filed Aug. 16, 1979, effective Dec. 15, 1979. Amended: Filed Oct. 12, 1982, effective Jan. 13, 1983. Amended: Filed June 12, 2001.*

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions less than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities approximately \$130,440 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Public Service Commission, Dale Hardy Roberts, Secretary, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PRIVATE ENTITY COST****I. RULE NUMBER**

Title: 4

Division: 240 Public Service Commission

Chapter: 123 Modular Units

Type of Rulemaking: Proposed Rule

Rule Number and Name: 030 -- Seals

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
There are approximately 89 active modular unit manufacturers.	Modular unit manufacturers	\$130,440 in the first year and a similar amount in succeeding years.

III. WORKSHEET

1. Modular unit manufacturers are required to affix a seal verifying code compliance to each unit sold in the State of Missouri. This proposal increases the fee for a seal from \$20.00 to \$80.00 per seal and eliminates a \$2.00 handling fee. The proposal also increases the fee for a replacement seal from \$10.00 to \$20.00.
2. Ensuring compliance with this rule will not require additional staff.
3. The estimated cost of compliance is based on the total number of modular unit seals issued to modular manufacturers, multiplied by the proposed increase in the fee.

IV. ASSUMPTIONS

1. Fiscal Year 1999 data was used to estimate costs in this summary. No adjustment for inflation has been applied.
2. Actual cost of compliance in succeeding years will vary depending on actual number of seals issued.
3. Affected entities are assumed to be in compliance with all other MoPSC rules and regulations.
4. Other text amendments proposed in this rule will have no fiscal impact on the state or any private or public person or entity.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 123—Modular Units**

PROPOSED AMENDMENT

4 CSR 240-123.040 Approval of Manufacturing Programs. This proposal amends the following sections of this rule: section (1) subsections (A) through (H); sections (2) through (5); section (7) subsections (A), (D) and (E); sections (8) and (9); and adds sections (10) and (11).

PURPOSE: This rule establishes the procedure under which a manufacturing program may be approved and/or withdrawn and is amended to clarify text and organization of the rule, to reference the department's correct title, and to reflect changes in plan approval fees and requirements.

(1) To have a manufacturing program considered for approval, the manufacturer who will use the program for which approval is sought shall submit the following information, documents and material to the director:

(A) The name and address of the manufacturer who will use the program *[for which approval is sought]*;

(B) If the manufacturer who will use the program *[for which approval is sought]* is a corporation, a copy of the corporation's articles of incorporation, bylaws and most recent annual registration filed under section 351.120, RSMo along with a copy of documents which verify that the officer who has executed the application has actual authority to have done so. *[The copies shall be retained by the commission so that as]* As long as the original documents remain unchanged an applicant who has once submitted such copies shall not be required to resubmit them with subsequent requests for approval of a manufacturing program;

(C) The make and style of the modular units which will be produced under the manufacturing program *[for which approval is sought]*;

(D) The earliest date on which production will begin under the manufacturing program *[for which approval is sought]*;

(E) Two (2) copies of the quality control manual under which the manufacturing program *[for which approval is sought]* will be implemented. The manual shall at least include a description which is sufficient to demonstrate compliance with the code for every procedure relating to the manufacturing of modular units for which the code contains a requirement; **and**

[(F) Two (2) copies of detailed plans for each type of modular unit which will be produced under the manufacturing program for which approval is sought. Such detailed plans shall at least include, for every part or component for which the code contains a requirement, a description which is sufficient to demonstrate compliance with the code;]

[(G)] (F) Third party inspection for compliance with [to] required codes[and].

[(H)] (2) Both selling agent and manufacturer shall register with the Public Service Commission's [Mobile Home Division] Manufactured Housing and Modular Units Program before any sales are made by either party. A nonrefundable fee as set forth in section 700.090 RSMo, shall accompany each request for an approval or re-approval of such registration. The registration must be renewed annually.

[(2)] (3) Approval of a manufacturing program shall be evidenced by the director's stamp of approval on the quality control manual and detailed plans which comprise the program. Upon approval of a manufacturing program the director shall return to the manufacturer a copy of the quality control manual and detailed plans which

bear *[his/her]* the director's stamp of approval. A copy of the original of such approved quality control manual and detailed plans shall be retained at each location where the manufacturing program which they comprise is implemented.

[(3) A nonrefundable fee of fifty dollars (\$50) shall accompany each request for approval or reapproval of a manufacturing program.]

(4) Within ten (10) working days of the submission to the director of the required **registration** fee and the information necessary for *[him/her]* the director to consider a request for approval of a manufacturing program, the director shall approve or refuse to approve the request. A notice of refusal shall specify the reason for refusal.

(5) The approval of a manufacturing program shall lapse when any changes, not approved in writing by the director, are made in any procedure, part or component for which the code includes a requirement. The director shall promptly provide written approval of such changes after *[s/he]* the director has received a written description of *[them]* the changes which is sufficient to demonstrate that *[they]* the changes comply with the code.

(7) The director shall withdraw *[his/her]* approval of a manufacturing program if *[s/he]* the director finds—

(A) A manufacturer is failing to abide by this chapter or *[c]/Chapter 700, RSMo [(1986)] 2000;*

(D) *[Manufacturer's units fail]* **A manufacturer fails** to comply with annual registration requirements; and

(E) **A [M]manufacturer fails to renew plans of units produced under the manufacturing program.**

(8) If the director withdraws *[his/her]* approval of a manufacturing program, *[s/he]* the director shall provide written notice of such action to the manufacturer. The notice shall be mailed within five (5) working days of the withdrawal and shall be sent by pre-paid certified mail to the last known address of the manufacturer requesting return receipt signed by addressee only. The notice shall state the reason for the withdrawal.

(9) *[A person who]* **An entity which** produces modular units under an approved manufacturing program shall mail or deliver to the director, by the tenth day of each month, a report which identifies *[the]* each modular unit by make, style, serial number and dealer's name and location to which seals have been affixed since the previous report and the seal number of each unit.

(10) To receive approval of a manufacturing program the manufacturer must also submit two (2) copies of detailed plans and installation diagrams for each type of modular unit which will be produced under the manufacturing program. Such detailed plans shall at least include, for every part or component for which the code contains a requirement, a description which is sufficient to demonstrate compliance with the code.

(11) All subsequent modular unit plans and installation diagrams for each additional type of modular unit (or model) to be manufactured must also be submitted to the director for approval. Each submittal shall comply with the following requirements:

(A) A nonrefundable fee of seventy-five dollars (\$75) shall accompany each request for approval of a modular unit plan;

(B) Each modular unit plan must be identifiable by model name or number or a combination of both;

(C) Any change in the systems of an existing modular unit plan, such as electric, plumbing, gas, or change in the manner of construction requires approval of a new set of detailed plans.

Request for approval shall be accompanied by the applicable fee; and

(D) Simple modular unit plan revisions that do not include changes in systems or the manner of construction require approval of the revised modular unit plans, but do not require payment of a fee. Applications for approval of modular unit plan revisions will be subject to review by the director on a case-by-case basis to determine if payment of the fee is required.

AUTHORITY: section 700.040, RSMo [1986] 2000. Original rule filed Aug. 16, 1979, effective Dec. 15, 1979. Amended: Filed Oct. 12, 1982, effective Jan. 13, 1983. Amended: Filed June 12, 2001.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions less than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities approximately \$21,350 in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Public Service Commission, Dale Hardy Roberts, Secretary, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 4

Division: 240 Public Service Commission

Chapter: 123 Modular Units

Type of Rulemaking: Proposed Amendment

Rule Number and Name: 040 -- Approval of Manufacturing Programs

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
There are approximately 89 active modular unit manufacturers.	Modular unit manufacturers	\$21,350 in the first year and a similar amount in succeeding years.

III. WORKSHEET

1. Modular unit manufacturers are required to receive approval from the Public Service Commission for each floor plan it produces and sells in the State of Missouri for the purpose of verifying code compliance. This proposal increases the fee for each plan approval from \$50.00 to \$75.00.
2. Ensuring compliance with this rule will not require additional staff.
3. The estimated cost of compliance is based on the total number of plans approved by the Public Service Commission, multiplied by the proposed increase in the plan approval fee.

IV. ASSUMPTIONS

1. Fiscal Year 1999 data was used to estimate costs in this summary. No adjustment for inflation has been applied.
2. Actual cost of compliance in succeeding years will vary depending on actual number of plans approved.
3. Affected entities are assumed to be in compliance with all other MoPSC rules and regulations.
4. Other text amendments proposed in this rule will have no fiscal impact on the state or any private or public person or entity.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 123—Modular Units**

PROPOSED RULE

4 CSR 240-123.065 Modular Unit Dealer Setup Responsibilities

PURPOSE: This rule sets forth the extent to which modular unit dealers are responsible for proper initial setup of modular units.

(1) A dealer who sells a modular unit shall arrange for the proper initial setup of the modular unit unless the dealer obtains from the purchaser or the purchaser's authorized agent a written waiver of that service as described in section 700.100.3(6), RSMo.

(2) As used in this rule, "proper initial setup" means installation and setup of the modular unit in accordance with the installation manual provided by the manufacturer of the modular unit and in complete compliance with the code and with all of the provisions regarding setup in sections 700.010 to 700.115, RSMo.

(3) If a dealer fails to arrange for the proper initial setup of a modular unit, the commission may discipline the dealer's registration by suspending it, revoking it, or placing it on probation, pursuant to the provisions of section 700.100, RSMo.

(4) The commission shall not so discipline the dealer's registration unless the director of the commission's manufactured housing and modular units program finds, incident to an inspection, setup deficiencies and initiates action to discipline the registration within five (5) years after the date of sale.

(5) The dealer shall legibly print the date of sale on the bill of sale that it provides to the purchaser pursuant to section 700.056, RSMo, and shall maintain a copy of the bill of sale in its files at the location where it sold the modular unit to the purchaser, if possible; otherwise at its principal office.

AUTHORITY: section 700.040, RSMo 2000. Original rule filed June 12, 2001.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions less than \$500 in the aggregate.

PRIVATE COST: This proposed rule will cost private entities less than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Public Service Commission, Dale Hardy Roberts, Secretary, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 123—Modular Units**

PROPOSED RULE

4 CSR 240-123.070 Monthly Report Requirement for Registered Modular Unit Dealers

PURPOSE: This rule outlines the information that registered modular unit dealers must file with the Missouri Public Service Commission and the form and manner of this filing.

(1) Each entity registered as a modular unit dealer must file a monthly sales report with the commission within ten (10) days of the end of each month.

(2) Monthly sales reports may be filed only upon the commission's monthly sales reports form. Sales report forms may be obtained from the Missouri Public Service Commission, PO Box 360, Jefferson City, MO 65102.

(3) The director of the Manufactured Housing and Modular Units Program may reject monthly sales reports that are incomplete, and require dealers to submit corrected reports.

(4) Failure to submit timely and complete monthly sales reports could result in suspension or revocation of the dealer's registration under section 700.100, RSMo.

(5) A monthly sales report must be filed for each month or part of a month for which the dealer is registered to sell modular units by the Public Service Commission's Manufactured Housing and Modular Units Program. If no sales are made in a given month, the dealer must file the usual form within ten (10) days of the end of the month.

(6) The report must be signed by an officer of the dealership if the dealership is a corporation; by a partner of the dealership if the dealership is a partnership; or by an owner of the dealership if the dealership is neither a corporation nor a partnership.

(7) Every monthly sales report shall contain the following information:

- (A) Dealer certificate number and name;
- (B) The street address and telephone number at the actual dealership location as well as the city, state and zip code;
- (C) The date of sale for each modular unit sold;
- (D) The sale price of each unit sold;
- (E) The size of each unit sold;
- (F) The name of the manufacturer of each unit sold as well as the year of manufacture;
- (G) The serial number from the certificate of origin for each unit sold;
- (H) The new or used status of each unit sold;
- (I) The total number of new units sold;
- (J) The total number of used units sold;
- (K) The total sale price for all new units; and
- (L) The total sale price for all used units.

AUTHORITY: section 700.460, RSMo 2000. Original rule filed June 12, 2001.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions less than \$500 in the aggregate.

PRIVATE COST: This proposed rule will cost private entities approximately \$550 in the first year and a similar amount in succeeding years.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Public Service Commission, Dale Hardy Roberts, Secretary, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 4

Division: 240 Public Service Commission

Chapter: 123 Modular Units

Type of Rulemaking: Proposed Rule
070 - Monthly Report Requirement for

Rule Number and Name: Registered Modular Unit Dealers

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
There are approximately 132 active modular unit dealers.	Modular unit dealers	Approximately \$550.00 in the first year and a similar amount in succeeding years

III. WORKSHEET

1. Modular unit dealers will be required to submit monthly sales reports specifying the number of units sold each month.
2. Ensuring compliance with this rule will not require additional staff.
3. The estimated cost of compliance is based on the number of active modular unit dealers and the estimated cost of postage and miscellaneous expense for submitting the monthly sales reports.

IV. ASSUMPTIONS

1. Fiscal Year 2000 data was used to estimate costs in this summary. No adjustment for inflation has been applied.
2. Actual cost of compliance in succeeding years will vary depending on cost of postage and miscellaneous expense.
3. Affected entities are assumed to be in compliance with all other MoPSC rules and regulations.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 123—Modular Units**

PROPOSED AMENDMENT

4 CSR 240-123.080 Code for Modular Units. This proposal amends the following sections of this rule: section (2); section (3) subsections (A) and (B); section (4); and adds new text in sections (5) through (7).

PURPOSE: This rule establishes the code for modular units and is amended to exhibit the correct reference to modular units; to reflect changes in code editions; and to clarify code compliance requirements.

PUBLISHER'S NOTE: The publication of the full text of the material that the adopting agency has incorporated by reference in this rule would be unduly cumbersome or expensive. Therefore, the full text of that material will be made available to any interested person at both the Office of the Secretary of State and the office of the adopting agency, pursuant to section 536.031.4, RSMo. Such material will be provided at the cost established by state law.

(2) All *[mobile]* **modular** units shall be built in accordance with the FHA Structural Engineering Bulletin and FHA Minimum Property standards and be eligible for long-term financing under section 203(b) of the National Housing Act, 12 USC 1701.

(3) The structure shall be manufactured in accordance with and meet the requirements of either subsection (3)(A) or (B) of this rule—

(A) BOCA National Building Code—*[1987]* **1999**; *[BOCA National]* **International Mechanical Code—***[1987]* **1998**; *[BOCA National]* **International Plumbing Code—***[1987]* **1997**; National Electrical Code NFPA—*[1987]* **1999**; and

(B) Uniform Building Code—*[1988]* **1997**; Uniform Mechanical Code—*[1988]* **1997**; Uniform Plumbing Code—*[1988]* **1997**; National Electrical Code NFPA—*[1987]* **1999**.

(4) All modular units shall comply with the CABO Model Energy Code—*[1989]* **1995**.

(5) This rule incorporates by reference the full text of the material listed in items (3)(A) and (B), and item (4).

(6) All modular units shall meet or exceed the Seismic Zone requirements (one, two, or three, as defined in the applicable code in section (3) above,) for the area in which the modular unit is placed. Modular unit plans submitted by a manufacturer under 4 CSR 240-123.040 shall specify the Seismic Zone for which the unit is built as well as the location where the unit will be placed. If a unit is built for open placement throughout the state of Missouri, it must be built to Seismic Zone three requirements.

(7) Each modular unit shall bear a data plate affixed in a permanent manner near the main electrical panel or other readily accessible and visible location. Each data plate must be covered with a material that will make it possible to clean the data plate of ordinary dirt without obscuring the information. Each data plate shall include the following information at a minimum: name and address of manufacturer, serial and model number of the unit, date the unit was manufactured, code the unit was built to, Seismic Zone listing, name and address of third party engineering agency that reviewed and approved the plans submitted by the manufacturer under 4 CSR 240-123.040.

(8) All modular units manufactured on or after July 1, 1976, shall be set up or installed according to the manufacturer's installation manual.

AUTHORITY: section 700.010, RSMo *[1986]* **2000**. Original rule filed Aug. 16, 1979, effective Dec. 15, 1979. Emergency amendment filed July 3, 1989, effective July 13, 1989, expired Nov. 9, 1989. Amended: Filed July 3, 1989, effective Nov. 1, 1989. Amended: Filed June 12, 2001.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions less than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities less than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Public Service Commission, Dale Hardy Roberts, Secretary, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 124—Manufactured Home *[Tiedown]*
Tie-Down Systems**

PROPOSED AMENDMENT

4 CSR 240-124.010 Definitions. This proposal amends the following sections of this rule: section (1) subsections (A)–(D); adds a new subsection (E); and deletes section (2).

PURPOSE: This rule defines the terms used in this chapter and is amended to reflect the deregulation of recreational vehicles in addition to adding new definition text.

(1) The following definitions, as well as those set out in section 700.010, RSMo *[1986]* **2000** apply to this chapter:

(A) Approval means a written approval of a manufactured home tie-down system issued by the commission under section 700.080, RSMo *[1986]* **2000**;

(B) Director means the director of the *[Division of Manufactured Homes, Recreational Vehicles and Modular Units]* **Manufactured Housing and Modular Units Program** of the Public Service Commission and those working under his/her supervision;

(C) Manufactured home as defined by section 700.010, RSMo *[1986]* **2000** shall include units which are in two (2) or more separately towable components designed to be joined into one (1) integral unit capable of being again separated into the components and also includes two (2) manufactured home units joined into a single residential or business unit which are kept on a separate chassis for repeated towing. Manufactured home shall not include a recreational vehicle; *[and]*

(D) Standards means the manufactured home tie-down systems standards adopted by the commission under section 700.076, RSMo *[1986]* **2000**/.; and

(E) Authorized representative means the approved testing agency who certified the tie-down system test.

[(2) All sections of chapter 700, RSMo 1986, cited in this rule are contained in Senate Substitute for House Committee Substitute for House Bill No. 1393, 78th General Assembly, Second Regular Session. Unless otherwise noted, all references to RSMo are to RSMo 1986.]

AUTHORITY: section 700.076, RSMo [1986] 2000. Original rule filed Nov. 12, 1976, effective Feb. 11, 1977. Emergency rule filed Dec. 7, 1976, effective Dec. 17, 1976, expired April 16, 1977. Amended: Filed Oct. 12, 1982, effective Jan. 13, 1983. Amended: Filed June 12, 2001.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions less than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities less than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Public Service Commission, Dale Hardy Roberts, Secretary, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 124—Manufactured Home [Tiedown]
Tie-Down Systems**

PROPOSED AMENDMENT

4 CSR 240-124.040 Commission Approval of Manufactured Home [Tiedown] Tie-Down Systems. This proposal amends the following sections of this rule: section (2) and adds new text as paragraphs (2)(E)1. through 7.

PURPOSE: This rule describes the manner in which an approval of manufactured home tie-down systems may be obtained and is amended to clarify text and to include new text concerning anchor tests and approvals.

(2) Applications for an approval shall be submitted to the director and shall be executed by the owner or seller of the system on forms [which] that shall be provided by the director upon request. To be complete, the applications shall include:

(E) A copy of the plans and specifications of the system for which the approval is sought;/.

1. Detailed drawings of each type of anchor system and for each type of component for which approval is sought must accompany the submittal.

A. Each drawing shall show model identification, all dimensions, types of welds or fastening, types of material, methods of securing strap, methods of attachment, orientation after installation in soil, direction(s) of applied load(s), and location of model number on the system and each component.

B. Each drawing shall bear the seal of a registered professional engineer, registered in the state of Missouri.

2. Each anchor system model must be tested and certified by an approved testing agency to be in conformance with the standards promulgated by the commission and accepted engineering practice.

A. Pullout tests shall be performed on three (3) samples of each anchor system model and the failure load for all three (3) tests must equal or exceed four thousand seven hundred twenty-five (4,725) pounds. The authorized representative must certify that three (3) pullout tests were performed on each anchor system model. The anchor shall be installed with the specified tie attached, in a soil type for which the anchor is designed and pulled at a forty-five degree (45°) angle. The device shall be set up as required by the installation instructions. The test report shall include a photograph or drawing. The load at failure and the type of failure shall be described. The anchoring system must be capable of meeting or exceeding

the Zone 1 wind load requirements of the federal Manufactured Home Construction and Safety Standards 24 CFR 3280.306.

B. Failure and ultimate load capacity tests shall be performed on three (3) samples of each component part and must also be witnessed by the authorized representative.

C. Laboratory destruction tests shall be performed on each anchor system model and the failure load must equal or exceed four thousand seven hundred twenty-five (4,725) pounds. These tests are needed to establish the required strengths of the components and component connections of an anchor. The anchor will be approved for all soil test probe values at or above the soil test probe value in which the anchor is tested.

3. The result from each test will indicate:

- A. Point and mode of failure;
- B. Force required for failure;
- C. Description of test procedure;
- D. Test equipment used.

4. The report of the results of the test in specified soil or rock groups will also include:

- A. Method of installation;
- B. Date of installation;
- C. Date of test;
- D. Soil profile description and soil test probe values.

5. The anchor manufacturer shall furnish and ship with each anchoring system, information on the types of soil in which the anchor has been tested and certified for installation, instructions on the method of installation, and procedure for identifying soil types. A copy of the installation instructions must be filed with the director.

6. The director, upon receipt of new or additional information relating to the performance of any anchoring system, or a similar anchoring system, may request from the manufacturer of that anchoring system, additional testing or supplemental information.

7. Rock anchors shall be tested in specified rock. Rock anchors shall be field-tested in natural rock strata or in a rock sample. There must be twelve-inch (12") minimum radius of rock around the drilled hole. The natural rock strata or rock sample must be geologically described;

AUTHORITY: section 700.076, RSMo [1986] 2000. Original rule filed Nov. 12, 1976, effective Feb. 11, 1977. Emergency rule filed Dec. 7, 1976, effective Dec. 17, 1976, expired April 16, 1977. Amended: Filed Oct. 12, 1982, effective Jan. 13, 1983. Amended: Filed June 12, 2001.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions less than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will cost private entities less than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Public Service Commission, Dale Hardy Roberts, Secretary, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 240—Public Service Commission
Chapter 124—Manufactured Home Tiedown Systems**

PROPOSED RULE

4 CSR 240-124.045 Anchoring Standards

PURPOSE: This rule applies to the anchoring of any manufactured home purchased or relocated on or after the effective date of this rule. This rule shall not be applicable to any manufactured home which has previously been anchored at its existing location and which has not been relocated subsequent to the effective date of this rule.

(1) Definitions. The following definitions, as well as those set out in section 700.010, RSMo apply to this chapter:

(A) Anchor means any device designed to transfer wind loads imposed on a manufactured home to the ground;

(B) Anchoring equipment means straps, seals, cables, turnbuckles, and tensioning devices, which are used to secure a manufactured home to anchors;

(C) Anchoring systems means a combination of ties, anchoring equipment, and ground anchors that will, when properly designed and installed, resist overturning and lateral movement of the manufactured home from wind forces;

(D) Classified soil means soil that has been evaluated through the use of a standard soil torque probe or other approved method to determine anchor-holding capacity;

(E) Installed means the arrangement and assembly at the occupancy site of all portions of an anchoring system, in accordance with the manufacturer's design, that renders the anchoring system fit for its intended use;

(F) Stabilizing device means a lateral support device such as a steel plate or a concrete collar used in connection with an anchor to limit lateral movement of the anchor;

(G) Tie means straps, cable, or securing devices used to connect the manufactured home to the anchor; and

(H) Unclassified soil means soils that have not been evaluated to determine anchor-holding capacity.

(2) Anchoring System. Each manufactured home installed after the effective date of the rule must be anchored in accordance with the minimum standards specified in the rule. At a minimum, each anchoring system must also meet or exceed the design wind load requirements for Wind Zone 1, as defined in 3280.305 in the Federal Manufactured Home Construction and Safety Standards.

(3) Anchoring Equipment.

(A) Load. Anchoring equipment, when installed, must be capable of resisting an allowable working load equal to or exceeding three thousand one hundred fifty (3,150) pounds and must be capable of withstanding a fifty percent (50%) overload (4,725 pounds total) without failure of either the anchoring equipment or the attachment point on the manufactured home.

(B) Resistance to Weather Deterioration. Anchoring equipment exposed to weathering shall have a coating that is resistant to weather deterioration at least equivalent to that provided by a coating of zinc on steel of not less than 0.30 ounces per square foot of surface (.0005 inch in thickness), and in accordance with the following:

1. Slit or cut edges of zinc-coated steel strapping do not need to be zinc coated;

2. Flat steel strapping shall be Type 1, Heavy Duty, Finish B, Grade 1, 1 1/4 inches wide and 0.035 inch in thickness, certified by a registered professional engineer as conforming with ASTM Standard Specification D3953-91, Standard Specification for strapping, flat steel, and seals; and

3. Seals shall be Class H, Heavy Duty, Finish B, Grade 1, for steel strapping, certified by the manufacturer as conforming with ASTM Standard Specification D3953-91.

(C) Permanency of Connections. Anchoring equipment shall be designed and installed to prevent self-disconnection when ties are slack.

(4) Tensioning Devices. Tensioning devices such as turnbuckles or yoke-type fasteners shall be ended with clevis or forged or welded eyes.

(5) Ties.

(A) Material.

1. Flat steel strapping and seals or other approved methods or materials shall be used for ties. All ties shall be fastened to anchors and drawn tight with turnbuckles or other adjustable tensioning devices or devices approved for use with the anchor.

2. Tie materials shall be either as described in (3)(B)2. of this standard or other approved material capable of resisting an allowable working load of 3,150 pounds with no more than twelve percent (12%) elongation and shall withstand a fifty percent (50%) overload (4,725 pounds total).

(B) Attachment.

1. Ties shall connect the anchor and the main structural steel frame that runs lengthwise under the manufactured home. Ties shall not connect to steel outrigger or cross beams that fasten to and intersect the main structural frame. Tie-down straps shall be routed from the anchor to the top of the main structural steel frame.

2. Tie-down straps shall be attached to the anchor in accordance with the anchor manufacturer's instructions. A permanently attached strap that has been cut off may be spliced, provided an approved splicing device is used.

(C) Vertical Ties. Vertical ties are not required in Wind Zone 1, as defined in 3280.305 in the Federal Manufactured Home Construction and Safety Standards.

(6) Anchors.

(A) Performance of Anchors. Each anchor, when installed in classified soil, must be capable of resisting a minimum allowable working load of 3,150 pounds in the direction of the tie, plus a fifty percent (50%) overload (4,725 pounds total) without failure. Failure shall be considered to have occurred when the connection between the tie and anchor moves more than two inches (2") vertically or three inches (3") horizontally when pulled at an angle of 45 degrees under a force of 4,725 pounds.

(B) Installation and Testing. Each manufactured anchor shall be tested and installed in accordance with the terms of its specified testing procedures and the anchor manufacturer's instructions. Each anchor shall be installed with a minimum of 750 pounds of pre-load with a minimum of four (4) wraps after installation.

(C) Spacing and Location.

1. Classified soil.

A. All anchors shall be installed at the intervals and in the locations specified by the manufactured home manufacturer's installation instructions, and in the correct soil class for which they are approved.

B. In the event that the manufacturer's installation instructions are unavailable, all anchors shall be installed in accordance with Tables (A) through (C) of this standard included herein, and in the correct soil class for which they are approved.

2. Unclassified soil. All anchors installed in unclassified soil shall be in accordance with Tables (A) through (C) of this standard, included herein. A thirty-inch (30") double four-inch (4") helix anchor with a twelve-inch (12") stabilizer shall be used in unclassified soil.

3. Spacing.

A. Spacing shall be as even as practicable along the entire length of the home with the first anchor on each end no more than two feet (2') from the end of the home.

(D) Soil Testing. A determination for soil classification should be made at each anchor location through the use of a standard torque probe, as described in ASTM Standard D2573-94, or equivalent method. If no soil classification test is performed for the

anchor location, then the soil at the location shall be considered as unclassified.

(7) Diagonal Tie-Down Strap Spacing. Strap spacing for anchors is illustrated in the following tables.

(A) Tables (A) through (C), included herein, illustrate the strap spacing for single section and multi-section homes with anchors located in classified and unclassified soils.

1. Note that the maximum vertical distance is measured from the anchor head to the top of the I-beam (i.e., bottom of the floor).

2. The maximum distance to the first tie-down strap at each end of the home shall be two feet (2'0").

3. Strap spacing calculations are based on the fact that single disk anchors and double disk anchors have the same holding capacity if installed in accordance with the anchor manufacturer's installation instructions and in the proper soil classification.

4. Anchors shall be installed just inside the skirting line in order to maintain the angles identified in each table.

5. Anchor strap attachments to the home must be in accordance with the anchor manufacturer's methods.

(B) Tables (D) and (E), included herein, illustrate the criss-cross strapping system for elevated single and multi-section homes (or portion thereof) to be used in lieu of diagonal tie-down strap spacing tables; and

(C) Table (F), included herein, illustrates approved methods of ground anchor installation.

(8) Spacing For Federal Manufactured Home Construction and Safety Standards Wind Zone 1 Conditions.

(A) If the floor width is 166 inches (typical 14-wide), with I-beam spacing 95-98 inches center to center and the distance from the top of the footer to the top of the I-beam is no higher than 64 inches, anchors shall be spaced eight feet (8') apart for classified soil, or five feet (5') apart for unclassified soil.

(B) If the floor width is 141 inches (typical 12-wide), with I-beam spacing 75.5-83 inches center to center and the distance from the top of the footer to the top of the I-beam is no higher than 52 inches, anchors shall be spaced six feet (6') apart for classified soil, or four feet (4') apart for unclassified soil.

(C) Anchors must be installed just inside the skirting line, or as close to the skirting line as possible.

TABLE (A)
DIAGONAL TIE DOWN STRAP SPACING
FOR SINGLE SECTION AND MULTI-SECTION HOMES
TYPICAL 12' WIDE

Minimum Pier Height	Maximum Strap Angle (From Horiz.)	Maximum Strap Spacing (for classified soils)	Maximum Strap Spacing (for unclassified soils)
12"	50	8'	4'
12"	40	10'	4'

NOTE: Maximum "Strap Angle"
(from Horizontal)
must not exceed 50°.

- Classified soil is soil that has been evaluated through the use of a standard torque probe, or other approved method to determine anchor-holding capacity. Each anchor location must be probed to confirm ground anchor models to be installed are consistent with soil classification.
- Unclassified soil is soil that has not been evaluated to determine anchor-holding capacity. At a minimum, a 30" double 4" helix anchor with a 12" stabilizing plate shall be used in unclassified soils.
- Anchors must be installed just inside the skirting line or as close to the skirting line as possible.

TABLE (B)
DIAGONAL TIE DOWN STRAP SPACING
FOR SINGLE SECTION AND MULTI-SECTION HOMES
TYPICAL 14' WIDE

Minimum Pier Height	Maximum Strap Angle (From Horiz.)	Maximum Strap Spacing (for classified soils)	Maximum Strap Spacing (for unclassified soils)
12"	50	10'	4'
12"	40	12'	4'

NOTE: Maximum "Strap Angle"
(from Horizontal)
must not exceed 50°.

- Classified soil is soil that has been evaluated through the use of a standard torque probe, or other approved method to determine anchor-holding capacity. Each anchor location must be probed to confirm ground anchor models to be installed are consistent with soil classification.
- Unclassified soil is soil that has not been evaluated to determine anchor-holding capacity. At a minimum, a 30" double 4" helix anchor with a 12" stabilizing plate shall be used in unclassified soils.
- Anchors must be installed just inside the skirting line or as close to the skirting line as possible.

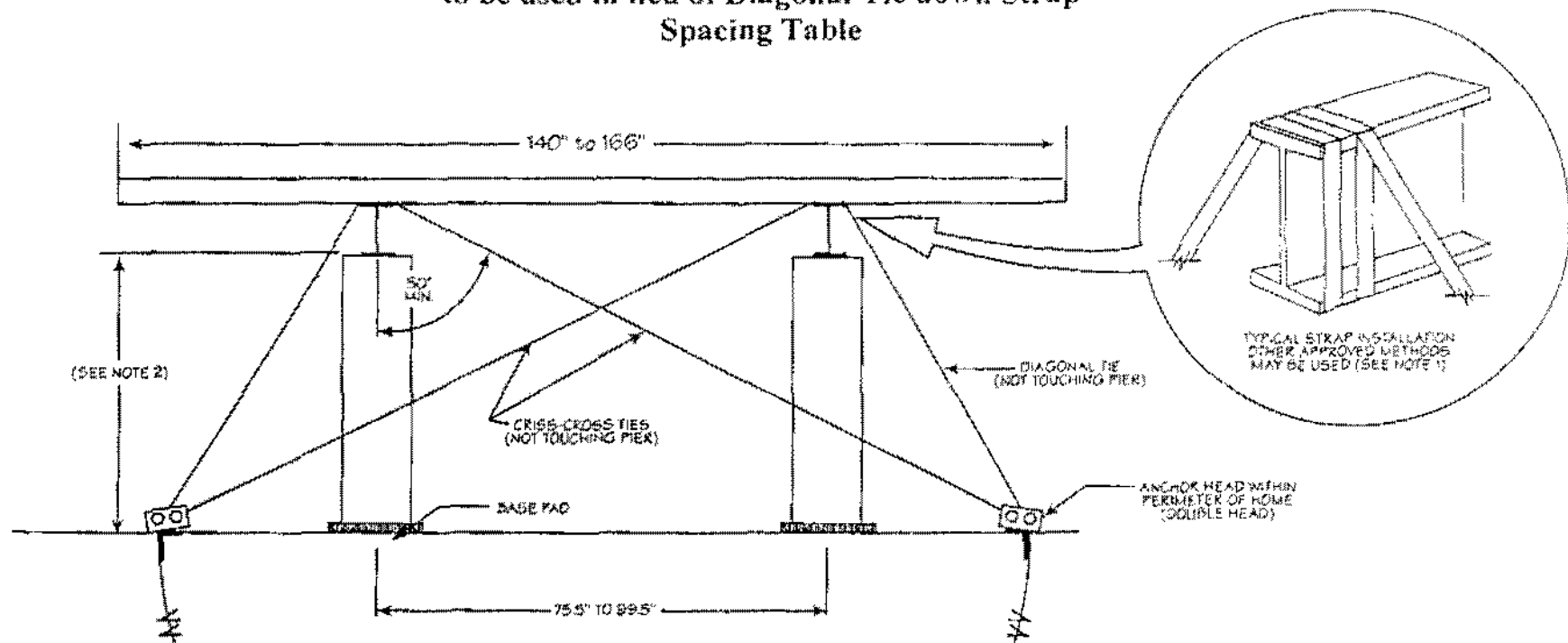
TABLE (C)
DIAGONAL TIE DOWN STRAP SPACING
FOR SINGLE SECTION AND MULTI-SECTION HOMES
TYPICAL 16' WIDE

Minimum Pier Height	Maximum Strap Angle (From Horiz.)	Maximum Strap Spacing (for classified soils)	Maximum Strap Spacing (for unclassified soils)
12"	50	10'	4'
12"	40	12'	4'

NOTE: Maximum "Strap Angle"
(from Horizontal)
must not exceed 50°.

- Classified soil is soil that has been evaluated through the use of a standard torque probe, or other approved method to determine anchor-holding capacity. Each anchor location must be probed to confirm ground anchor models to be installed are consistent with soil classification.
- Unclassified soil is soil that has not been evaluated to determine anchor-holding capacity. At a minimum, a 30" double 4" helix anchor with a 12" stabilizing plate shall be used in unclassified soils.
- Anchors must be installed just inside the skirting line or as close to the skirting line as possible.

TABLE (D)
CRISS-CROSS STRAPPING SYSTEM
For elevated single section homes
(or portions thereof)
to be used in lieu of Diagonal Tie down Strap
Spacing Table

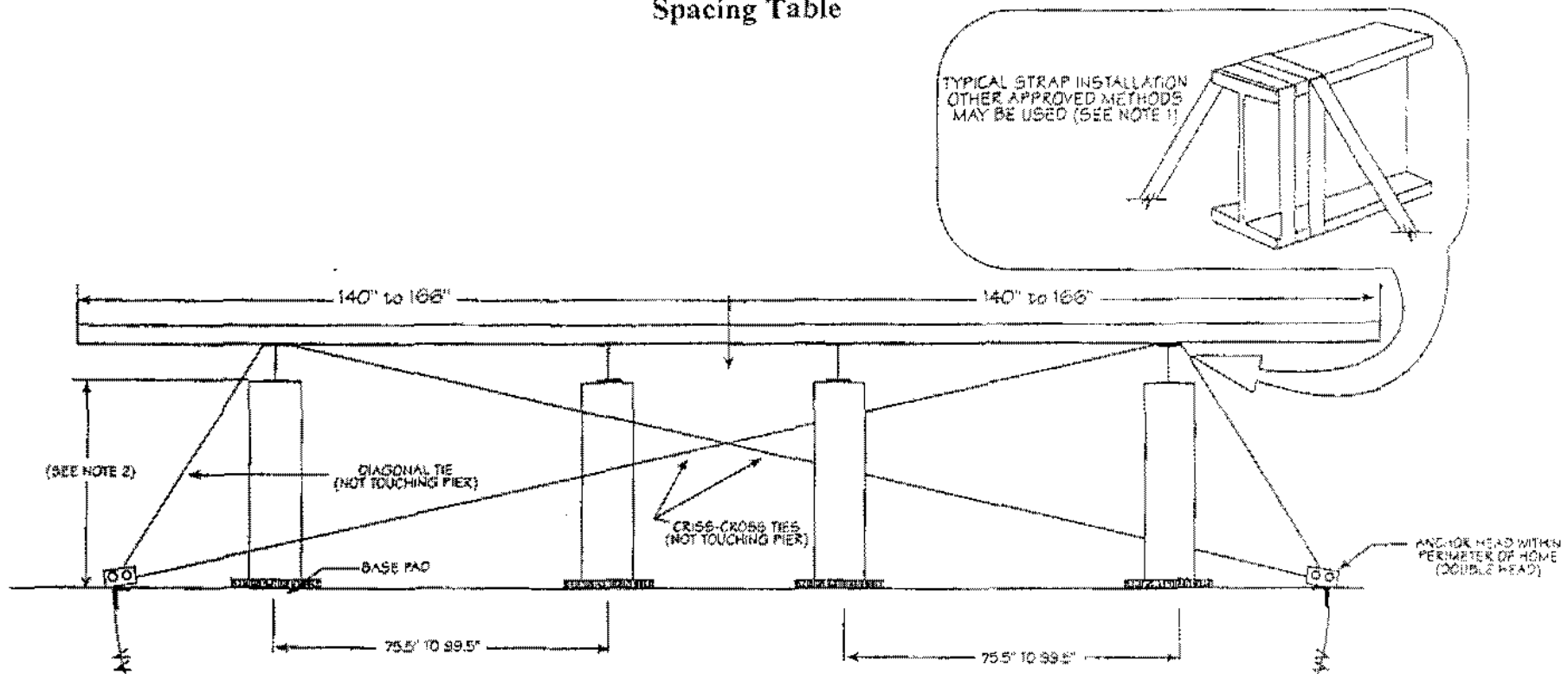


- 50° Min. Strap Angle applies only to homes with 75.5\" or less I-Beam spacing.

NOTES:

1. Inset drawing shows typical strap installation. All anchors, devices, and tiedown straps to be rated for a 3150 lbs. working load (4725 lbs. overload capacity), in classified soils.
2. Pier height is measured from the top of the ground to the top of the I-Beam. Pier heights exceeding 80\" must have piers and tiedowns designed by a Professional Engineer. Minimum pier height is 12\"

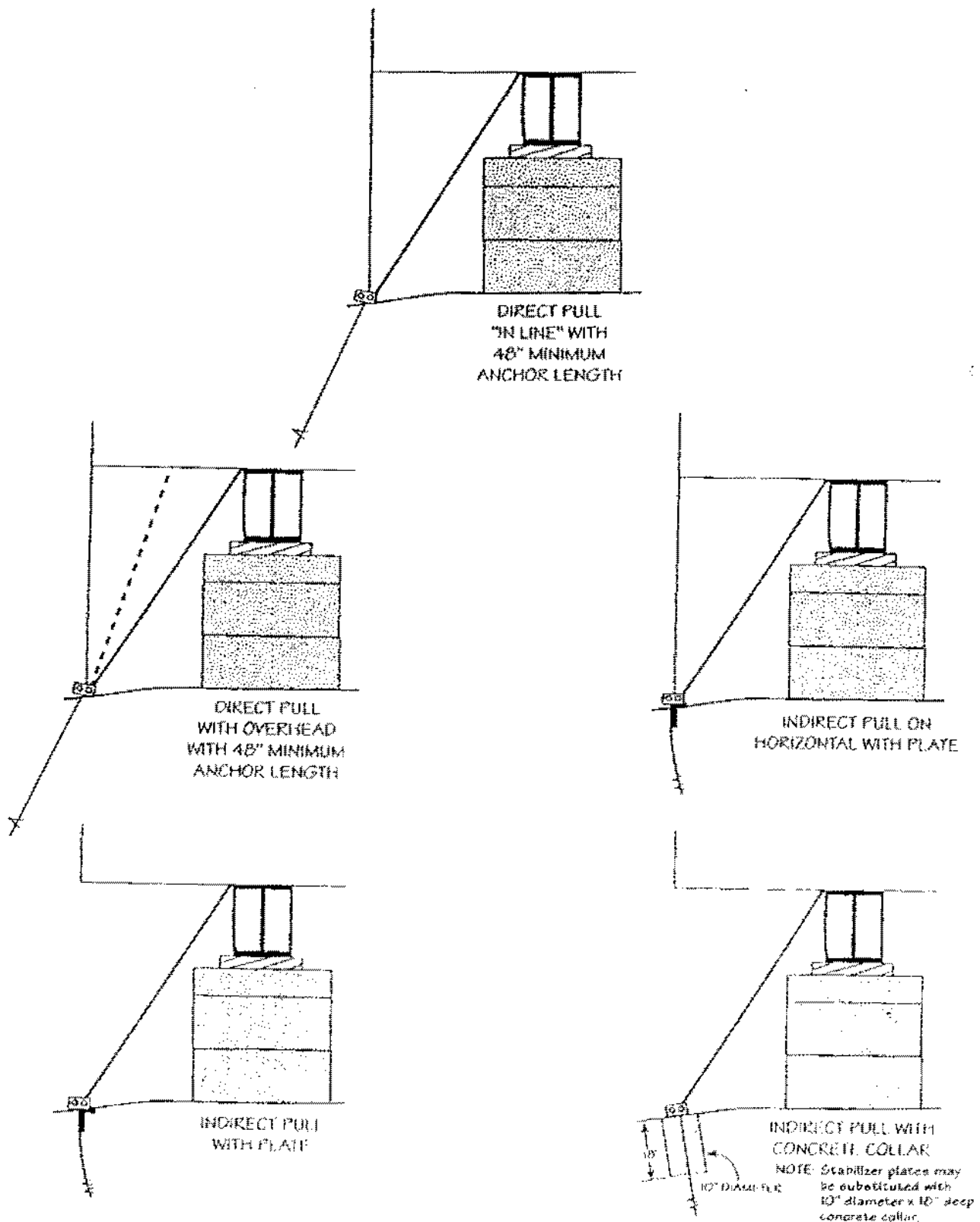
TABLE (E)
CRISS-CROSS STRAPPING SYSTEM
 For elevated multi-section homes
 (or portions thereof)
 to be used in lieu of Diagonal Tie down Strap
 Spacing Table



NOTES:

1. Inset drawing shows typical strap installation. All anchors, devices, and tiedown straps to be rated for a 3150 lbs. working load (4725 lbs. overload capacity), in classified soils.
2. Pier height is measured from the top of the ground to the top of the I-Beam. Pier heights exceeding 80" must have piers and tiedowns designed by a Professional Engineer. Minimum pier height is 12".

TABLE (F)
APPROVED METHODS OF GROUND
ANCHOR INSTALLATION



AUTHORITY: section 700.076, RSMo 2000. Original rule filed June 12, 2001.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions less than \$500 in the aggregate.

PRIVATE COST: This proposed rule will cost private entities less than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Public Service Commission, Dale Hardy Roberts, Secretary, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 10—Air Conservation Commission
Chapter 6—Air Quality Standards, Definitions,
Sampling and Reference Methods and
Air Pollution Control Regulations for the Entire State
of Missouri

PROPOSED AMENDMENT

10 CSR 10-6.050 Start-Up, Shutdown and Malfunction Conditions. The commission proposes to amend this rule by amending the Purpose section, adding new sections (1), (2), (4) and (5) and renumbering and amending original section (1) as new section (3). If the commission adopts this rule action, it will be submitted to the U.S. Environmental Protection Agency to replace the current rule in the Missouri State Implementation Plan.

PURPOSE: This amendment will clarify what constitutes a malfunction, start-up or shutdown condition. It will also determine the reporting requirements for each condition. The evidence supporting the need for this proposed rulemaking is the public comment from the U.S. Environmental Protection Agency regarding complaints and Notices of Violation due to excess emissions commonly from the start-up, shutdown and malfunction conditions at air pollution sources.

PURPOSE: This rule, applicable to all installations in Missouri, provides the owner or operator of an installation the opportunity to submit data regarding conditions which result[ed] in excess emissions. These submittals will be used by the director to determine whether the excess emissions were due to a start-up, shutdown or malfunction condition. These determinations will be [the basis for further enforcement action] used in deciding whether or not enforcement action is appropriate.

(1) **Applicability.** This regulation applies to all installations in the state of Missouri.

(2) **Definitions.**

(A) **Engineering limitations of equipment**—A failure of air pollution control equipment or process equipment that does not classify as a malfunction but causes a release of excess emissions.

(B) **Malfunction**—A sudden and unavoidable failure of air pollution control equipment or process equipment or of a process to operate in a normal and usual manner, not to exceed five percent (5%) of the normal yearly operating hours.

(C) **Release**—Any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, dumping or disposing into the environment of any air contaminant which becomes, or may become, airborne.

(D) **Definitions of certain terms in this rule, other than those specified in this rule section, may be found in 10 CSR 10-6.020.**

[(1)](3) General Provisions.

(A) In the event of a malfunction or release, which results in excess emissions, the owner or operator of such facility shall notify the Missouri Department of Natural Resources' Air Pollution Control Program in both of the following ways:

1. An oral report shall be submitted no later than close of business of the following working day. The oral report shall include:

A. Name and location of installation;

B. Name and telephone number of person responsible for the installation;

C. Time and duration of the period of excess emissions; and

D. Type of air contaminant involved; and

2. A written report shall be submitted within ten (10) business days. The written report shall include, at a minimum, the following:

A. Name and location of installation;

B. Name and telephone number of person responsible for the installation;

C. Identity of the equipment causing the excess emissions;

D. Time and duration of the period of excess emissions;

E. Cause of the excess emissions;

F. Air pollutants involved;

G. Estimate of the magnitude of the excess emissions expressed in the units of the applicable requirement and the operating data and calculations used in estimating the magnitude;

H. Measures taken to mitigate the extent and duration of the excess emissions; and

I. Measures taken to remedy the situation which caused the excess emissions and the measures taken or planned to prevent the recurrence of these situations.

(B) The owner or operator shall notify the Missouri Department of Natural Resources' Air Pollution Control Program at least ten (10) days prior to any maintenance, start-up or shutdown, which is expected to cause an excess release of emissions. If notice cannot be given ten (10) days prior to any maintenance, start-up or shutdown, which is expected to cause an excess release of emissions, notice shall be given as soon as practicable prior to the maintenance, start-up or shutdown or orally as soon as practical during normal working hours after the release and no later than close of business of the following working day with written notice to follow within ten (10) working days of the release. The owner or operator of such facility shall notify the Missouri Department of Natural Resources' Air Pollution Control Program in both of the following ways:

1. An oral report including:

A. Name and location of installation;

B. Name and telephone number of person responsible for the installation;

C. Type of air contaminant involved;

D. Expected date and time of the maintenance, start-up or shutdown;

E. Processes and equipment involved; and

F. Expected duration of the maintenance, start-up or shutdown; and

2. A written report including:

A. Name and location of installation;

B. Name and telephone number of person responsible for the installation;

C. Identity of the equipment causing the excess emissions;

D. Time and duration of the period of excess emissions;

E. Type of activity and the reason for the maintenance, start-up or shutdown;

F. Type of air contaminant involved;

G. Estimate of the magnitude of the excess emissions expressed in the units of the applicable emission control regulation and the operating data and calculations used in estimating the magnitude;

H. Measures taken to mitigate the extent and duration of the excess emissions; and

I. Measures taken to remedy the situation which caused the excess emissions and the measures taken or planned to prevent the recurrence of these situations.

(C) In the event of a release which results in excess emissions due to the engineering limitations of the equipment, the owner or operator of such facility shall notify the Missouri Department of Natural Resources' Air Pollution Control Program in both of the following ways:

1. An oral report shall be submitted no later than close of business of the following working day. The oral report shall include:

A. Name and location of installation;

B. Name and telephone number of person responsible for the installation;

C. Time and duration of the period of excess emissions; and

D. Type of air contaminant involved; and

2. A written report shall be submitted within ten (10) business days. The written report shall include, at a minimum, the following:

A. Name and location of installation;

B. Name and telephone number of person responsible for the installation;

C. Identity of the equipment causing the excess emissions;

D. Time and duration of the period of excess emissions;

E. Cause of the excess emissions;

F. Type of air contaminant involved;

G. Estimate of the magnitude of the excess emissions expressed in the units of the applicable emission control regulation and the operating data and calculations used in estimating the magnitude;

H. Measures taken to mitigate the extent and duration of the excess emissions;

I. Measures taken to remedy the situation which caused the excess emissions and the measures taken or planned to prevent the recurrence of these situations; and

J. Reasons and data upon which the owner or operator bases the conclusions that such excess emissions either will or did occur as a result of engineering limitations in the equipment.

[(A)](D) In the event that a facility did not abide by the requirements of subsections (3)(A) and (3)(B) and [U]upon receipt of a notice of excess emissions issued by the Missouri Department of Natural Resources or an agency holding a certificate of authority under section 643.140, RSMo, the source to which the notice is issued may provide information showing that the excess emissions were the consequence of a malfunction, start-up or shutdown. Based upon any information submitted by the source operator and any other pertinent information available, the director or the commission shall make a determination whether the excess emissions constitute a malfunction, start-up or shutdown and whether the nature, extent and duration of the excess emissions warrant enforcement action under section 643.080 or 643.151, RSMo.

1. In determining whether enforcement action is warranted, the director or commission shall consider the following factors:

[1.]A. Whether the excess emissions during start-up, shutdown or malfunction occurred as a result of safety, technological

or operating constraints of the control equipment, process equipment or process;

[2.]B. Whether the air pollution control equipment, process equipment or processes were, at all times, maintained and operated to the maximum extent practical, in a manner consistent with good practice for minimizing emissions;

[3.]C. Whether repairs were made as expeditiously as practicable when the operator knew or should have known when excess emissions were occurring;

[4.]D. Whether the amount and duration of the excess emissions were limited to the maximum extent practical during periods of this emission; and

[5.]E. Whether all practical steps were taken to limit the impact of the excess emissions on the ambient air quality.

[(B)]2. The information provided by the source operator under [subsection (1)(A)] paragraph (3)(D)1. shall include, at a minimum, the following:

[1.]A. Name and location of installation;

[2.]B. Name and telephone number of person responsible for the installation;

[3.]C. The identity of the equipment causing the excess emissions;

[4.]D. The time and duration of the period of excess emissions;

[5.]E. The cause of the excess emissions;

[6.]F. The type of air contaminant involved;

[7.]G. A best estimate of the magnitude of the excess emissions expressed in the units of the applicable emission control regulation and the operating data and calculations used in estimating the magnitude;

[8.]H. The measures taken to mitigate the extent and duration of the excess emissions; and

[9.]I. The measures taken to remedy the situation which caused the excess emissions and the measures taken or planned to prevent the recurrence of these situations.

[(C)] The information specified in subsection (1)(B) shall be submitted to the director not later than fifteen (15) days after receipt of the notice of excess emissions.]

[(D)](E) Nothing in this rule shall be construed to limit the authority of the director or the commission to take appropriate action, under sections 643.080, 643.090 and 643.151, RSMo to enforce the provisions of the Air Conservation Law and the corresponding rule.

(F) Compliance with this rule does not absolve the owner or operator of such facility of liability for the excess emissions reported.

(4) Reporting and Record Keeping.

(A) The information specified in subsection (3)(D) shall be submitted to the director not later than fifteen (15) days after receipt of the notice of excess emissions. Information regarding the type and amount of emissions and time of the episode shall be recorded and kept on file. This data shall be included in emissions reported on any required Emissions Inventory Questionnaire.

(B) The information submitted according to paragraphs (3)(A)2., (3)(B)2., (3)(C)2., and (3)(D)2., shall be kept on file at the installation for a period of five (5) years. The information shall be available to the director upon request.

(5) Test Methods. (Not Applicable)

AUTHORITY: section 643.050, RSMo [Supp. 1992] 2000. Original rule filed March 15, 1979, effective Nov. 11, 1979. Amended: Filed April 2, 1987, effective Aug. 27, 1987. Amended: Filed June 15, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing on this proposed amendment will begin at 9:00 a.m., August 30, 2001. The public hearing will be held at Truman State University, Georgian Room, 100 East Normal, Kirksville, MO 63501. Opportunity to be heard at the hearing shall be afforded any interested person. Written request to be heard should be submitted at least seven days prior to the hearing to Roger D. Randolph, Director, Missouri Department of Natural Resources' Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176, (573) 751-4817. Interested persons, whether or not heard, may submit a written statement of their views until 5:00 p.m., September 6, 2001. Written comments shall be sent to Chief, Planning Section, Missouri Department of Natural Resources' Air Pollution Control Program, 205 Jefferson Street, PO Box 176, Jefferson City, MO 65102-0176.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 23—Motor Vehicle**

PROPOSED RULE

12 CSR 10-23.452 Internet Renewal of License Plates

PURPOSE: This rule will allow Missouri citizens to renew their Missouri license plates via the Missouri On-Line Registration Exchange, Missouri Internet Vehicle Registration Renewal System, by using a Personal Identification Number.

(1) Any person desiring to renew their Missouri license plates via the Missouri On-Line Registration Exchange (MORE), Missouri Internet Vehicle Registration Renewal System, must use the eight (8) digit Personal Identification Number (PIN) recorded on their renewal notice. Entering the PIN into the Missouri Internet Vehicle Registration Renewal System shall be deemed the signature of the owner where a signature is required. This includes certification by the vehicle owner that he/she has and will maintain, during the period of registration, financial responsibility with respect to each motor vehicle that is owned, licensed or operated on the streets or highways.

(2) Only vehicle owners whose county (including the City of St. Louis) has provided the owner's personal property tax records to the Department of Revenue's Personal Property Tax Record System may have the option of renewing the license plates via the Missouri Internet Vehicle Registration Renewal System.

(3) Only vehicle owners displaying regular or personalized license plates in one of the following categories may use the Missouri Internet Vehicle Registration Renewal System for vehicle renewal purposes:

(A) Motor vehicles subject to the registration fees according to horsepower, as provided in section 301.055, RSMo;

(B) Local and beyond local property-carrying commercial motor vehicles licensed for a gross weight not to exceed fifty-four thousand (54,000) pounds;

(C) Trailers, excluding trailers displaying a three (3)-year trailer plate;

(D) Recreational vehicles;

(E) Motorcycles and motortricycles;

(F) Shuttle buses;

(G) Van pool; and

(H) Private school buses.

(4) Vehicles owners who must annually present an Emblem Use Authorization Statement issued by the organization cannot renew their registration through the Missouri Internet Vehicle Registration Renewal System.

(5) If a vehicle owner enters information into the Missouri Internet Vehicle Registration Renewal System indicating that his/her vehicle has been out-of-state for the past sixty (60) days and he/she is unable to enter a vehicle safety or emissions inspection number, if applicable, the owner must enter the out-of-state address. The Missouri Department of Revenue will mail the validation tabs to the out-of-state address entered by the applicant.

AUTHORITY: section 32.300, RSMo 2000. Original rule filed June 7, 2001.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 24—Driver License Bureau Rules**

PROPOSED AMENDMENT

12 CSR 10-24.442 Stacking Sixty (60)-Day, Ninety (90)-Day, One Hundred Twenty (120)-Day and One Hundred Eighty (180)-Day Disqualifications. The director proposes to amend the Purpose, section (1) and add a new section to this rule.

PURPOSE: This rule is being amended to include railroad-highway grade crossing violations as indicated in 49 CFR sections 384.219 and 383.51.

PURPOSE: This rule establishes that a second or subsequent disqualification for a serious traffic violation, **a railroad-highway grade crossing violation** or for driving while out of service shall be in addition to any other previous period of disqualification as stated in 49 CFR sections 384.219 and 383.51.

PUBLISHER'S NOTE: The publication of the full text of the material that the adopting agency has incorporated by reference in this rule would be unduly cumbersome or expensive. Therefore, the full text of that material will be made available to any interested person at both the Office of the Secretary of State and the office of the adopting agency, pursuant to section 536.031.4, RSMo. Such material will be provided at the cost established by state law.

(1) If a person is under a period of disqualification as a result of the accumulation of serious traffic violations, **conviction of a railroad-highway grade crossing violation** or for driving while out of service, any subsequent disqualification period shall only run consecutively and shall not run concurrently.

(2) The following material is incorporated into this rule by reference: Office of the Federal Register National Archives and Records Administration, Title 49 *Code of Federal Regulations*, sections 384.219 and 383.51, (Washington: U.S. Government Printing Office, Revised October 1, 2000).

AUTHORITY: section 302.765, RSMo [1994] 2000. Original rule filed Oct. 18, 1995, effective April 30, 1996. Amended: Filed June 7, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Revenue, Office of Legislation and Regulations, PO Box 629, Jefferson City, MO 65105. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 16—RETIREMENT SYSTEMS
Division 10—The Public School Retirement System of
Missouri
Chapter 5—Retirement, Options and Benefits

PROPOSED AMENDMENT

16 CSR 10-5.030 Beneficiary. The board is adding section (14).

PURPOSE: This proposed amendment sets forth the requirements for proving the death of the member prior to benefits being paid to beneficiaries and estates.

(14) Proof of the death of the member or beneficiary is required before any benefits, including, but not limited to, accumulated contributions are paid to an estate or other beneficiary. Proof of death shall be established by submission of an original or a certified copy of a death certificate issued by the authority of the governmental entity responsible for issuing such certificates. Other documentation, including, but not limited to, an appropriate court order may be submitted for evaluation if it is not possible to obtain a death certificate.

AUTHORITY: section 169.020, RSMo 2000. Original rule filed Dec. 19, 1975, effective Jan. 1, 1976. For intervening history, please consult the *Code of State Regulations*. Amended: Filed June 7, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Public School and Non-Teacher School Employee Retirement Systems of Missouri, Joel Walters, Executive Director, PO Box 268, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 16—RETIREMENT SYSTEMS
Division 10—The Public School Retirement System of
Missouri
Chapter 6—The Non-Teacher School Employee
Retirement System of Missouri

PROPOSED AMENDMENT

16 CSR 10-6.090 Beneficiary. The board is adding section (7).

PURPOSE: This proposed amendment sets forth the requirements for proving the death of the member prior to benefits being paid to beneficiaries and estates.

(7) Proof of the death of the member or beneficiary is required before any benefits, including, but not limited to, accumulated contributions are paid to an estate or other beneficiary. Proof of death shall be established by submission of an original or a certified copy of a death certificate issued by the authority of the governmental entity responsible for issuing such certificates. Other documentation, including, but not limited to, an appropriate court order may be submitted for evaluation if it is not possible to obtain a death certificate.

AUTHORITY: section 169.610, RSMo 2000. Original rule filed Dec. 19, 1975, effective Jan. 1, 1976. Amended: Filed Aug. 11, 1977, effective Nov. 15, 1977. Amended: Filed Sept. 11, 1981, effective Dec. 11, 1981. Emergency amendment filed Oct. 29, 1993, effective Nov. 8, 1993, expired March 7, 1994. Amended: Filed Oct. 29, 1993, effective May 9, 1994. Amended: Filed June 15, 1994, effective Nov. 30, 1994. Amended: Filed July 31, 1995, effective Feb. 25, 1996. Amended: Filed Dec. 12, 1996, effective June 30, 1997. Amended: Filed Oct. 15, 1997, effective April 30, 1998. Amended: Filed Aug. 10, 1998, effective Feb. 28, 1999. Amended: Filed Aug. 9, 1999, effective Feb. 29, 2000. Amended: Filed Dec. 15, 2000, effective June 30, 2001. Amended: Filed June 7, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Public School and Non-Teacher School Employee Retirement Systems of Missouri, Joel Walters, Executive Director, PO Box 268, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 20—DEPARTMENT OF INSURANCE
Division 200—Financial Examination
Chapter 1—Financial Solvency and Accounting
Standards

PROPOSED AMENDMENT

20 CSR 200-1.030 Financial Statement and Diskette Filing. The department is amending sections (1), (2), and (3).

PURPOSE: The purpose of this amendment is to update the provisions of this rule and to eliminate unnecessary filing requirements.

(1) Each health services corporation, health maintenance organization (HMO), stock or mutual life insurance company, assessment or stipulated premium plan life insurance company, fraternal

benefit society, stock or mutual insurance company other than life, Chapter 383 assessment company, reciprocal and eligible surplus lines insurer shall file a sworn annual statement on or before March 1 of each year, for its business and affairs for the year ended the next previous December 31, in accordance with the National Association of Insurance Commissioners (NAIC) Annual Statement Blank and the instructions for it, or in accordance with any other form as the director expressly permits to the entity. This statement also shall be prepared in accordance with the applicable accounting standards or principles approved by the NAIC, published in the *Accounting Practices and Procedures Manual for Fire and Casualty Insurance Companies*, *Accounting Practices and Procedures Manual for Life and Accident and Health Insurance Companies*, *Valuation of Securities* or *Examiner's Handbook*, or a combination of these, except where the applicable provisions of Chapters 354 and 374–385, RSMo, or other specific rules expressly provide otherwise. For entities not domiciled in Missouri, one (1) copy of the annual statement shall be filed with the Missouri department's office in Jefferson City and one (1) copy shall be filed with NAIC's office in Kansas City, Missouri. For entities domiciled in Missouri, one (1) signed original and two (2) copies of the annual statement shall be filed with the Missouri department's office in Jefferson City and one (1) copy shall be filed with the NAIC's Kansas City office; provided, however, that for domiciled companies doing business in seventeen (17) or more states, for life and health insurers writing fifty (50) million dollars or more in gross premium, and for property and casualty insurers writing thirty (30) million dollars or more in gross premium, an additional copy also shall be filed with NAIC's office in [Washington, D.C.] **Kansas City, Missouri**, but only upon the written request of the NAIC. **The annual and quarterly statements should be signed by three (3) officers of the company.**

(2) Each entity shall file a diskette including all annual statement information with the NAIC's office in Kansas City, Missouri[, and an additional diskette with the Missouri department's Jefferson City office]. The diskette shall be prepared under guidelines contained in the NAIC's Annual Statement Diskette Filing Specifications.

(3) Each health services corporation, HMO, stock or mutual life insurance company, assessment or stipulated premium plan life insurance company, fraternal benefit society, stock or mutual insurance company other than life, Chapter 383 assessment company, reciprocal and eligible surplus lines insurer shall file, in addition to the sworn annual statement required in section (1), three (3) quarterly statements for its business and affairs for the quarters ending, respectively, the next previous March 31, June 30 and September 30, in accordance with NAIC Quarterly Statement Blank and the instructions for it, or in accordance with any other forms as the director expressly permits to the entity. For entities not domiciled in Missouri, one (1) copy of each quarterly statement shall be filed with the Missouri department's office in Jefferson City and one (1) copy shall be filed with the NAIC's office in Kansas City, Missouri. For entities domiciled in Missouri, one (1) signed original and two (2) copies of each quarterly statement shall be filed with the Missouri department's office in Jefferson City and one (1) copy shall be filed with the NAIC's Kansas City office; provided, however, that for domiciled companies doing business in seventeen (17) or more states, for life and health insurers writing fifty (50) million dollars or more in gross premium, and for property and casualty insurers writing thirty (30) million dollars or more in gross premium, an additional copy also shall be filed with the NAIC's office in [Washington, D.C.] **Kansas City, Missouri**, but only upon the written request of the NAIC.

AUTHORITY: sections 354.120, 354.485, [RSMo 1986] 354.723, [RSMo Supp. 1987] 374.045, 380.561, RSMo [Supp 1993] 2000. This rule was previously filed as 4 CSR 190-11.180. Original rule filed Sept. 2, 1988, effective Jan. 1, 1989. For intervening history, please consult the *Code of State Regulations*. Amended: Filed June 14, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held on this proposed amendment at 9:30 a.m. on August 22, 2001. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to the proposed amendment, until 5:00 p.m. on August 22, 2001. Written statements shall be sent to Kimberly A. Grinston, Department of Insurance, PO Box 690, Jefferson City, MO 65102.

SPECIAL NEEDS: If you have any special needs addressed by the Americans With Disabilities Act, please notify us at (573) 751-6798 or (573) 526-4636 at least five working days prior to the hearing.

Title 20—DEPARTMENT OF INSURANCE Division 200—Financial Examination Chapter 11—Control and Management of Insurance Companies

PROPOSED AMENDMENT

20 CSR 200-11.101 Insurance Holding Company System Regulation with Reporting Forms and Instructions. The department is amending sections (8), (18) and the forms.

PURPOSE: The purposes of this amendment are (1) to assist the Director of the Missouri Department of Insurance in investigating the competency, experience and integrity of certain individuals and (2) to require the filing of certain pre-acquisition information on a form, Form E.

(8) Acquisition of Control—Statement Filing. A person required to file a statement pursuant to sections 382.040, [and] 382.050 and **382.060** of the Act shall furnish the required information on Form A, [which follows this rule] hereby made a part of this regulation. Such person shall also furnish the required information on Form E, hereby made a part of this regulation and described in section (18) of this regulation.

(18) Pre-Acquisition Notification. If a domestic insurer, including any person controlling a domestic insurer, is proposing a merger or acquisition pursuant to the provisions of section 382.040 of the Act and is required by such section to file a pre-acquisition notification, that person shall file a pre-acquisition notification form, Form E, which was developed pursuant to section 382.095.3 of the Act. Additionally, if a non-domiciliary insurer licensed to do business in this state is proposing a merger or acquisition pursuant to section 382.095 of the Act, that person shall file a pre-acquisition notification form, Form E. No pre-acquisition notification form need be filed if the acquisition is beyond the scope of section 382.095 as set forth in section 382.095.2(1)–(7). In addition to the information

required by Form E, the director may wish to require an expert opinion as to the competitive impact of the proposed acquisition.

FORM A

**Statement Regarding the Acquisition
of Control of or Merger
with a Domestic Insurer**

(Name of Domestic Insurer)

by

(Name of Acquiring Person (Applicant))

Filed with the Insurance Department of

(State of domicile of insurer being acquired)

Dated: _____, _____

Name, title, address and telephone number of individual to whom notices and correspondence concerning this statement should be addressed:

Item 1. Insurer and Method of Acquisition.

State the name and address of the domestic insurer to which this application relates and a brief description of how control is to be acquired.

Item 2. Identify and Background of the Applicant.

(a) State the name and address of the applicant seeking to acquire control over the insurer.

(b) If the applicant is not an individual, state the nature of its business operations for the past five (5) years or for lesser period as the applicant person and any of its predecessors thereof shall have been in existence. Briefly describe the business intended to be done by the applicant and the applicant's subsidiaries.

(c) Furnish a chart *of/for* list clearly presenting the identities of the interrelationships among the applicant and all affiliates of the applicant. No affiliate need be identified if its total assets are equal to less than one-half (1/2) of one percent (1%) of the total assets of the ultimate controlling person affiliated with the applicant. Indicate in the chart or listing the percentage of voting securities of each such person which is owned or controlled by the applicant or by any other such person. If control of any person is maintained other than by the ownership or control of voting securities, indicate the basis of such control. As to each person specified in such chart or listing indicate the type of organization (for example, corporation, trust, partnership) and the state or other jurisdiction of domicile. If court proceedings involving a reorganization or liquidation are pending with respect to any such person, and set forth the title of the court, nature of proceedings and the date when commenced.

Item 3. Identity and Background of Individuals Associated With the Applicant.

State the following with respect to—1) the applicant if s/he is an individual or 2) all persons who are directors, executive officers

or owners of ten percent (10%) *of/* or more of the voting securities of the applicant if the applicant is not an individual:

(a) Name and business address;

(b) Present principal business activity, occupation or employment including position and office held and the name, principal business and address of any corporation or other organization in which the employment is carried on;

(c) Material occupations, positions, offices or employment during the last five (5) years, giving the starting and ending dates of each and the name, principal business and address of any business operation or other corporation in which each such occupation, position, office or employment was carried on; if any such occupation, position, office or employment required licensing by or registration with any federal, state or municipal governmental agency, indicate such fact, the current status of the licensing or registration, and an explanation of any surrender, revocation, suspension or disciplinary proceedings in connection with the licensing or registration;

(d) Whether or not such person has ever been convicted in a criminal proceeding (excluding minor traffic violations) during the last ten (10) years and, if so, give the date, nature of conviction, name and location of court, and penalty imposed or other disposition of the case./;

(e) **Date of birth, place of birth and Social Security number. Disclosure of the Social Security number: (1) is optional; (2) is solicited pursuant to the director's statutory authority to investigate and determine the competence, experience and integrity of those persons who would control the operation of the insurer pursuant to section 382.060.1(5), RSMo, and to inquire into and investigate the business of insurance transacted in this state pursuant to section 374.190.1, RSMo; and (3) will be used to conduct a criminal background check of the individual providing the Social Security number. The Department of Insurance will maintain the Social Security number as confidential pursuant to section 610.035, RSMo, if the Social Security number(s) is (are) provided to the department on a separate paper (along with the individual's name) from other information provided under this item; if not provided on a separate paper, the Department may deem the holder to have authorized disclosure of the Social Security number.**

Item 4. Nature, Source and Amount of Consideration.

(a) Describe the nature, source and amount of funds or other considerations used or to be used in effecting the merger or other acquisition of control. If any part of the same is represented or is to be represented by funds or other consideration borrowed or otherwise obtained for the purpose of acquiring, holding or trading securities, furnish a description of the transaction, the names of the parties to the transaction, the relationship, if any, between the borrower and the lender, the amounts borrowed or to be borrowed and copies of all agreements, promissory notes and security arrangements relating thereto.

(b) Explain the criteria used in determining the nature and amount of such consideration.

(c) If the source of the consideration is a loan made in the lender's ordinary course of business and if the applicant wishes the identity of the lender to remain confidential, s/he must specifically request that the identity be kept confidential.

Item 5. Future Plans of Insurer.

Describe any plans or proposals which the applicant may have to declare an extraordinary dividend, to liquidate such insurer, to sell its assets to or merge it with any person or persons or to make any other material change in its business operations or corporate structure or management.

Item 6. Voting Securities to be Acquired.

State the number of shares of the insurer's voting securities which the applicant, its affiliates and any person listed in Item 3, plan to acquire, and the terms of the offer, request, invitation, agreement or acquisition, and a statement as to the method by which the fairness of the proposal was arrived at.

Item 7. Ownership of Voting Securities.

State the amount of each class of any voting security of the insurer which is beneficially owned or concerning which there is a right to acquire beneficial ownership by the applicant, its affiliates or any person listed in Item 3.

Item 8. Contracts, Arrangements or Understanding With Respect to Voting Securities of the Insurer.

Give the full description of any contracts, arrangements or understandings with respect to any voting security of the insurer in which the applicant, its affiliates or any person listed in Item 3., is involved, including, but not limited to, transfer of any of the securities, joint ventures, loan or option arrangements, puts or calls, guarantees of loans, guarantees against loss or guarantees of profits, division of losses or profits, or the giving or withholding of proxies. This description shall identify the persons with whom the contracts, arrangements or understandings have been entered into.

Item 9. Recent Purchases of Voting Securities.

Describe any purchases of any voting securities of the insurer by the applicant, its affiliates or any person listed in Item 3. during the twelve (12) calendar months preceding the filing of this statement. Include in such description the dates of purchase, the names of the purchasers, and the consideration paid or agreed to be paid. State whether any shares so purchased are hypothecated.

Item 10. Recent Recommendations to Purchase.

Describe any recommendations to purchase any voting security of the insurer made by the applicant, its affiliates or any person listed in Item 3., or by anyone based upon interviews or at the suggestion of the applicant, its affiliates or any person listed in Item 3. during the twelve (12) calendar months preceding the filing of this statement.

Item 11. Agreements With Broker-Dealers.

Describe the terms of any agreement, contract or understanding made with any broker-dealer as to solicitation of voting securities of the insurer for tender and the amount of any fees, commission or other compensation to be paid to broker-dealers with regard thereto.

Item 12. Financial Statements and Exhibits.

(a) Attach financial statements and exhibits to this statement as an appendix, but list under this item the financial statements and exhibits so attached.

(b) The financial statements shall include the annual financial statements of the persons identified in Item 2(c) for the preceding five (5) fiscal years (or for a lesser period as the applicant and its affiliates and any predecessors of the applicant shall have been in existence), and similar information covering the period from the end of the person's last fiscal year, if this information is available. These statements may be prepared on either an individual basis or, unless the director otherwise requires, on a consolidated basis if consolidated statements are prepared in the usual course of business.

(c) The annual financial statements of the applicant shall be accompanied by the certificate of an independent public accountant to the effect that the statements present fairly the financial position of the applicant and the results of its operations for the year then ended, in conformity with generally accepted accounting principles or with requirements of insurance or other accounting principles

prescribed or permitted under law. If the applicant is an insurer which is actively engaged in the business of insurance, the financial statements need not be certified, provided they are based on the Annual Statement of such person filed with the insurance department of the person's domiciliary state and are in accordance with the requirements of insurance or other accounting principles prescribed or permitted under the law and regulations of such state.

(d) File as exhibits copies of all tender offers for, requests or invitations for, tenders of, exchange offers for, and agreements to acquire or exchange any voting securities of the insurer and (if distributed) of additional soliciting material relating thereto, any proposed employment, consultation, advisory or management contracts concerning the insurer, annual reports to the stockholders of the insurer and the applicant for the last two (2) fiscal years, and any additional documents or papers required by Form A or 20 CSR 200-11.101(2) and (4).

Item 13. Signature and Certification.

Signature and certification required as follows:

SIGNATURE

/_____/ Pursuant to the requirements of sections 382.040-382.060 of

the Act _____ has caused this application to be duly signed on its behalf in the City of

_____ and State of

_____, on the

_____ day of _____, ____.

(SEAL)

(Name of Applicant)

/By/By

(Name)

(Title)

Attest:

(Signature of Officer)

(Title)

CERTIFICATION

The undersigned deposes and says that s/he has duly executed the attached application dated _____,

_____, for and on behalf of _____;
(Name of Applicant)

that s/he is the _____ of
(Title of Officer)

(Name of Company)

and that s/he is authorized to execute and file such instrument. Deponent further says that s/he is familiar with such instrument and the contents thereof, and that the facts therein set forth are true to the best of his/her knowledge, information and belief.

(Signature)

(Type or print name)

FORM B

Insurance Holding Company System Annual Registration Statement

Filed with the Insurance Department of the state of _____

/By/by

(Name of Registrant)

On behalf of following insurance companies:

Name	Address
_____	_____
_____	_____
_____	_____
_____	_____

Date _____, _____.

Name, title, address and telephone number of individual to whom notices and correspondence concerning this statement should be addressed:

Item 1. Identity and Control of Registrant.

Furnish the exact name of each insurer registering or being registered (after this called the registrant), the home office address and principal executive offices of each; the date on which each registrant became part of the insurance holding company system; and the method(s) by which control of each registrant was acquired and is maintained.

Item 2. Organizational Chart.

Furnish a chart or listing clearly presenting the identities of and interrelationships among all affiliated persons with the insurance holding company system. No affiliate need be shown its total assets are equal to less than one-half (1/2) of one percent (1%) of the total assets of the ultimate controlling person within the insurance holding company system unless it has assets valued at or exceeding (insert amount). The chart or listing should show the percentage of each class of voting securities of each affiliate which is owned, directly or indirectly, by another affiliate. If control of any person within the system is maintained other than by the ownership or control of voting securities, indicate the basis of the control. As to each person specified or listing indicate the type of organization (for example, corporation, trust, partnership) and the state or other jurisdiction of domicile.

Item 3. The Ultimate Controlling Person.

As to the ultimate controlling person in the insurance holding company system, furnish the following information:

- (a) Name;
- (b) Home office address;
- (c) Principal executive office address;
- (d) The organizational structure of the person, that is, corporation, partnership, individual, trust, etc;
- (e) The principal business of the person;
- (f) The name and address of any person who holds or owns ten percent (10%) or more of any class of voting security, the class of such security, the number of shares held of record or known to be beneficially owned, and the percentage of class so held or owned; and
- (g) If court proceedings involving a reorganization or liquidation are pending, indicate the title and location of the court, the nature of proceedings and the date when commenced.

Item 4. Biographical Information.

Furnish the following information for the directors and executive officers of the ultimate controlling person: the individual's name and address, his/her principal occupation and all offices and positions held during the past five (5) years, and any conviction of crimes other than minor traffic violations during the past ten (10) years.

Item 5. Transactions and Agreements.

Briefly describe the following agreements in force, and transactions currently outstanding or which have occurred during the last calendar year between the registrant and its affiliates:

- (a) Loans, other investments, or purchases, sales or exchanges of securities of the affiliates by the registrant or of the registrant by its affiliates;
- (b) Purchases, sales or exchanges of assets;
- (c) Transactions not in the ordinary course of business;
- (d) Guarantees or undertakings for the benefit of an affiliate which result in an actual contingent exposure of the registrant's assets to liability, other than insurance contracts entered into in the ordinary course of the registrant's business;
- (e) All management agreements, service contracts, tax allocation arrangements, and cost-sharing arrangements;
- (f) Reinsurance agreements;
- (g) Dividends and other distributions to shareholders;
- (h) Consolidated tax allocation agreements; and
- (i) Any pledge of the registrant's stock, the stock of any subsidiary or controlling affiliate, or both, for a loan made to any member of the insurance holding company system.

No information need be disclosed if such information is not material for purposes of sections 382.100-382.160 of the Act.

Sales, purchases, exchanges, loans or extension of credit, investments or guarantees involving one-half (1/2) of one percent (1%) of the registrant's admitted assets as of the 31st day of December next preceding shall not be deemed material. (Note: the director by rule or order may provide otherwise.)

The description shall be in a manner as to permit the proper evaluation by the director, and shall include at least the following: the nature and purpose of the transaction, the nature and amounts of any payments or transfers of assets between the parties, the identity of all parties to such transaction, and relationship of the affiliated parties to the registrant.

Item 6. Litigation or Administrative Proceedings.

A brief description of any litigation or administrative proceedings of the following types, either then pending or concluded within the preceding fiscal year, to which the ultimate controlling person or any of its directors or executive officers was a party or of which the property of any such person is or was the subject; give the names of the parties and the court or agency in which the litigation or proceeding is or was pending:

(a) Criminal prosecutions or administrative proceedings by any government agency or authority which may be relevant to the trustworthiness of any party to the prosecutions or proceedings; and

(b) Proceedings which may have a material effect upon the solvency or capital structure of the ultimate holding company including, but not necessarily limited to, bankruptcy, receivership or other corporate reorganizations.

Item 7. Statement Regarding Plan or Series [or] of Transactions.

The insurer shall furnish a statement that transactions entered into since the filing of the prior year's annual registration statement are not part of a plan or series of like transactions, the purpose of which is to avoid statutory threshold amounts and the review that might otherwise occur.

Item 8. Financial Statements and Exhibits.

(a) Financial statements and exhibits should be attached to this statement as an appendix, but list under this item the financial statements and exhibits so attached.

(b) The financial statement shall include the annual financial statements of the ultimate controlling person in the holding company system as of the end of the person's latest fiscal year.

(c) If at the time of the initial registration, the annual financial statements for the latest fiscal year are not available, annual statements for the previous fiscal year may be filed and similar financial information shall be filed for any subsequent period to the extent such information is available. These financial statements may be prepared on either an individual basis, or unless the director otherwise requires, on a consolidated basis if such consolidated statements are prepared in the usual course of business.

(d) Unless the director otherwise permits, the annual financial statements shall be accompanied by the certificate of an independent public accountant to the effect that these statements present fairly the financial position of the ultimate controlling person and the results of its operations for the year then ended, in conformity with generally accepted accounting principles or with requirements of insurance or other accounting principles prescribed or permitted under law. If the ultimate controlling person is an insurer which is actively engaged in the business of insurance, the annual financial statements need not be certified, provided they are based on the annual statement of such insurer filed with the insurance department of the insurer's domiciliary state and are in accordance with requirements of insurance or other accounting principles prescribed or permitted under the law and regulations of such state.

(e) Exhibits shall include copies of the latest annual reports to shareholders of the ultimate controlling person and proxy materials used by the ultimate controlling person; and any additional documents or papers required by Form B or 20 CSR 200-11.101(2) and (4).

Item 9. Form C Required.

A Form C, Summary of Registration Statement, must be prepared and filed with this Form B.

Item 10. Signature and Certification.

Signature and certification required as follows:

SIGNATURE

Pursuant to the requirements of sections 382.100-382.160 of the Act, the Registrant has caused this annual registration statement to be duly signed on its behalf in the City of _____ and the

State of _____ on the _____ day

of _____.

(SEAL)

(Name of Registrant)

/By/by

(Name)

(Title)

Attest:

(Signature of Officer)

(Title)

CERTIFICATION

The undersigned deposes and says that s/he has duly executed the attached annual registration statement dated _____, _____, for and on behalf of _____;
(Name of Officer)

that s/he is the _____ of
(Title of Officer)

(Name of Company)

and that s/he is authorized to execute and file such instrument. Deponent further says that s/he is familiar with such instrument and the contents thereof, and that the facts therein set forth are true to the best of his/her knowledge, information and belief.

(Signature)

(Type or print name)

**FORM C
Summary of Registration**

STATEMENT

Filed with the Insurance Department of the State of _____

/By/by

(Name of Registrant)

On behalf of following insurance companies:
Name _____ Address _____

Date _____, _____

Name, title, address and telephone number of individual to whom notices and correspondence concerning this statement should be addressed:

Furnish a brief description of all items in the current annual registration statement which represent changes from the prior year's annual registration statement. The description shall be in a manner as to permit proper evaluation by the director, and shall include specific references to Item numbers in the annual registration statement and to the terms contained in the statement.

Changes occurring under Item 2. of Form B insofar as changes in the percentage of each class of voting securities held by each affiliate is concerned, need only be included where such changes are ones which result in ownership or holdings of ten percent (10%) or more of voting securities, loss or transfer of control, or acquisition or loss of partnership interest.

Changes occurring under Item 4. of Form B need only be included where—an individual is, for the next time, made a director or executive officer of the ultimate controlling person; a director or executive officer terminates his/her responsibilities with the ultimate controlling person; or in the event an individual is named president of the ultimate controlling person.

If a transaction disclosed on the prior year's annual registration statement has been changed, the nature of this change shall be included. If a transaction disclosed on the prior year's annual registration statement has been effectuated, furnish the mode of completion and any flow of funds between affiliates resulting from the transaction.

The insurer shall furnish a statement that transactions entered into since the filing of the prior year's annual registration statement are not part of a plan or series of like transactions whose purpose it is to avoid statutory threshold amounts and the review that might otherwise occur.

SIGNATURE AND CERTIFICATION

Signature and certification required as follows:

SIGNATURE

Pursuant to the requirements of sections 382.100–382.160 of the Act, the Registrant has caused this summary of registration statement to be duly signed on its behalf in the City of _____ and the State of _____ on the _____ day of _____, _____.

(SEAL)

(Name of Registrant)

/By/by

(Name)

(Title)

Attest:

(Signature of Officer)

(Title)

CERTIFICATION

The undersigned deposes and says that s/he has duly executed the attached summary of registration statement dated _____,

_____, for and on behalf of _____ that s/he is the

(Name of Officer)

(Title of Officer)

of _____

(Name of Company)

that s/he is authorized to execute and file such instrument. Deponent further says that s/he is familiar with such instrument and the contents thereof, and that the facts therein set forth are true to the best of his/her knowledge, information and belief.

(Signature)

(Type or print name beneath)

FORM D

Prior Notice of a Transaction

Filed with the Insurance Department of the State of _____

/By/by

(Name of Registrant)

On behalf of the following insurance companies:

Name Address

Date: _____, _____

Name, title, address and telephone number of individual to whom notices and correspondence concerning this statement should be addressed:

Item 1. Identity of Parties to Transaction.

Furnish the following information for each of the parties to the transaction:

- (a) Name;
- (b) Home office address;
- (c) Principal executive;
- (d) The organizational structure, that is, corporation, partnership, individual, trust, etc;

(e) A description of the nature of the parties' business operations;

(f) Relationship, if any, of other parties to the transaction to the insurer filing the notice, including any ownership or debtor/creditor interest by any other parties to the transaction in the insurer seeking approval, or by the insurer filing the notice in the affiliated parties; and

(g) Where the transaction is with a nonaffiliate, the name(s) of the affiliate(s) which will receive, in whole or in substantial part, the proceeds of the transaction.

Item 2. Description of the Transaction.

Furnish the following information for each transaction for which notice is being given:

(a) A statement as to whether notice is being given under section 382.195.1(1), (2), (3), (4) or (5) of the Act;

(b) A statement of the nature of the transaction; and

(c) The proposed effective date of the transaction.

Item 3. Sales, Purchases, Exchanges, Loans, Extensions of Credit, Guarantees or Investments.

Furnish a brief description of the amount and source of funds, securities, property or other consideration for the sale, purchase, exchange, loan, extension of credit, guarantee, or investment, whether any provision exists for purchase by the insurer filing notice, by any party to the transaction, or by any affiliate of the insurer filing notice, a description of the terms of any securities being received, if any, and a description of any other agreements relating to the transaction such as contracts or agreements for services, consulting agreements and the like. If the transaction involves other than cash, furnish a description of the consideration, its cost and its fair market value, together with an explanation of the basis for evaluation.

If the transaction involves a loan, extension of credit or a guarantee, furnish a description of the maximum amount which the insurer will be obligated to make available under such loan, extension of credit or guarantee, the date on which the credit or guarantee will terminate, and any provisions for the accrual of or deferral of interest.

If the transaction involves an investment, guarantee or other arrangement, state the time period during which the investment, guarantee or other arrangement will remain in effect, together with any provisions for extensions or renewals of these investments, guarantees or arrangements. Furnish a brief statement as to the effect of the transaction upon the insurer's surplus.

No notice need be given if the maximum amount which at any time can be outstanding or for which the insurer can be legally obligated under the loan, extension of credit or guarantee is less than—

(a) In the case of nonlife insurers, the lesser of three percent (3%) of the insurer's admitted assets or twenty-five percent (25%) of surplus as regards policyholders; or

(b) In the case of life insurers, three percent (3%) of the insurer's admitted assets, each as of the 31st day of December next preceding.

Item 4. Loans or Extensions of Credit to a Nonaffiliate.

If the transaction involves a loan or extension of credit to any person who is not an affiliate, furnish a brief description of the agreement or understanding where the proceeds of the proposed transaction, in whole or in substantial part, are to be used to make loans or extensions of credit to, to purchase the assets of, or to make investments in, any affiliate of the insurer making these loans or extensions of credit, and specify in what manner the proceeds are to be used to loan to, extend credit to, purchase assets of or make investments in any affiliate. Describe the amount and source of funds, securities, property or other consideration for the loan or extension of credit and, if the transaction is one involving

consideration other than cash, a description of its cost and its fair market value together with an explanation of the basis for evaluation. Furnish a brief statement as to the effect of the transaction upon the insurer's surplus.

No notice need be given if the loan or extension of credit is one which equals less than, in the case of nonlife insurer's, the lesser of three percent (3%) of the insurer's admitted assets or twenty-five percent (25%) of surplus as regards policyholders or, with respect to life insurers, three percent (3%) of the insurer's admitted assets, each as of the 31st day of December next preceding.

Item 5. Reinsurance.

If the transaction is a reinsurance agreement or modification to it, as described by section 382.195.1(3) of the Act, furnish a description of the known, estimated amount of liability or else to be ceded, or both assumed in each calendar year, the period of time during which the agreement will be in effect, and a statement whether an agreement or understanding exists between the insurer and nonaffiliate to the effect that any portion of the assets constituting the consideration for the agreement will be transferred to one (1) or more of the insurer's affiliates. Furnish a brief description of the consideration involved in the transaction, and brief statement as to the effect of the transaction, upon the insurer's surplus.

No notice need be given for reinsurance agreements or modifications to them if the reinsurance premium or a change in the insurer's liabilities in connection with the reinsurance agreement or modification to it is less than five percent (5%) of the insurer's surplus as regards policyholders, as of the 31st day of December next preceding.

Item 6. Management Agreements, Service Agreements, Tax Allocation Arrangements, and Cost-Sharing Arrangements.

For management and service agreements, furnish—

(a) A brief description of the managerial responsibilities, or services to be performed; and

(b) A brief description of the agreement, including a statement of its duration, together with brief descriptions of the basis for compensation and the terms under which payment or compensation is to be made;

For tax allocation arrangements and cost-sharing arrangements, furnish—

(a) A brief description of the purpose of the agreement;

(b) A description of the period of time during which the agreement is to be in effect;

(c) A brief description of each party's expenses or costs covered by the agreement; and

(d) A brief description of the accounting basis to be used in calculating each party's costs under the agreement.

Item 7. Signature and Certification.

Signature and certification required as follows:

SIGNATURE

Pursuant to the requirements of section 382.195 of the Act _____ has caused this application to be duly signed on its behalf in the City of _____ and State of _____ on the _____ day of _____, _____.

(SEAL)

(Name of Applicant)

/By/By

(Name) (Title)

Attest:

(Signature of Officer)

(Title)

CERTIFICATION

The undersigned deposes and says that s/he has duly executed the attached notice dated _____, _____, for and on behalf of _____;
(Name of Officer)

that s/he is the _____
(Title of Officer)

/of/ of _____
(Name of Company)

and that s/he is authorized to execute and file such instrument. Deponent further says that s/he is familiar with such instrument and the contents thereof, and that the facts therein set forth are true to the best of his/her knowledge, information and belief.

(Signature)

(Type or print name)

FORM E

**Pre-Acquisition Notification Form
Regarding The Potential Competitive Impact
of a Proposed Merger or Acquisition by a
Non-Domiciliary Insurer Doing Business in this
State or by a Domestic Insurer**

(Name of Applicant)

(Name of Other Person Involved in Merger or Acquisition)

Filed with the Insurance Department of the State of _____ by _____

(Name of Registrant)

Name, title, address and telephone number of person completing this statement:

Item 1. Name and Address.

State the names and addresses of the persons who hereby provide notice of their involvement in a pending acquisition or change in corporate control.

Item 2. Name and Addresses of Affiliated Companies.

State the names and addresses of the persons affiliated with those listed in Item 1. Describe their affiliations.

Item 3. Nature and Purpose of The Proposed Merger or Acquisition.

State the nature and purpose of the proposed merger or acquisition.

Item 4. Nature of Business.

State the nature of the business performed by each of the persons identified in response to Item 1 and Item 2.

Item 5. Market and Market Share.

State specifically what market and market share in each relevant insurance market the persons identified in Item 1 and Item 2 currently enjoy in this state. Provide historical market and market share data for each person identified in Item 1 and Item 2 for the past five (5) years and identify the source of such data.

For purposes of this question, market means direct written insurance premium in this state for a line of business as contained in the annual statement required to be filed by insurers licensed to do business in this state.

AUTHORITY: sections 374.045 and 382.240, RSMo [1994] 2000. Original rule filed April 29, 1992, effective Dec. 3, 1992. Amended: Filed Nov. 23, 1998, effective July 30, 1999. Amended: Filed June 14, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held on this proposed amendment at 9:30 a.m. on August 22, 2001. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to the proposed amendment, until 5:00 p.m. on August 22, 2001. Written statements shall be sent to Kimberly A. Grinston, Department of Insurance, PO Box 690, Jefferson City, MO 65102.

SPECIAL NEEDS: If you have any special needs addressed by the Americans with Disabilities Act, please notify us at (573) 751-6798 or (573) 526-4636 at least five working days prior to the hearing.

**Title 20—DEPARTMENT OF INSURANCE
Division 200—Financial Examination
Chapter 11—Control and Management of Insurance
Companies**

PROPOSED RULE

20 CSR 200-11.120 Material Transactions Between Affiliates Under Section 382.050.1(5), RSMo

PURPOSE: This rule specifies certain material transactions involving a domestic insurer and any person in its holding compa-

ny system, which transactions may not be entered into unless the insurer has notified the director in writing of its intention to enter into such a transaction at least thirty days prior thereto, or such shorter period as the director may permit, and the director has not disapproved such transaction.

(1) The transactions specified within or under section (2) of this rule constitute material transactions which the director determines may adversely affect the interests of the insurer's policyholders within the meaning of section 382.195.1(5), RSMo.

(2) Each of the following transactions involving a domestic insurer and any person in its holding company system may not be entered into unless the insurer has notified the director in writing through use of Form D to 20 CSR 200-11.101 of its intention to enter into such transaction at least thirty (30) days prior thereto, or such shorter period as the director may permit, and the director has not disapproved it within such period (see section 382.195.1, RSMo):

(A) Any tax allocation agreement, arrangement or contract; and

(B) Any other agreement, arrangement, or contract in which the consideration by or from or anticipated by or from the insurer has a value exceeding one-half of one percent (0.5%) of the insurer's admitted assets as of the thirty-first day of December next preceding.

(3) A domestic insurer may not enter into transactions, whether described in section (2) of this rule or subsection 1. of section 382.195, RSMo, which are part of a plan or series of like transactions with persons within the holding company system if the purpose of those separate transactions is to avoid the statutory or regulatory threshold amount and thus avoid the review that would occur otherwise. If the director determines that such separate transactions were entered into over any twelve (12)-month period for such purpose, the director may exercise the director's authority under section 382.265, RSMo.

AUTHORITY: sections 374.045 and 382.195, RSMo 2000. Original rule filed June 14, 2001.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rule will cost private entities more than \$500 in the aggregate. A detailed fiscal note, which estimates the costs of compliance with this rule, has been filed with the secretary of state and attached hereto.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: *A public hearing will be held on this proposed rule at 10:00 a.m. on August 22, 2001. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to the proposed rule, until 5:00 p.m. on August 22, 2001. Written statements shall be sent to Kimberly A. Grinston, Department of Insurance, PO Box 690, Jefferson City, MO 65102.*

SPECIAL NEEDS: *If you have any special needs addressed by the Americans With Disabilities Act, please notify us at (573) 751-6798 or (573) 526-4636 at least five working days prior to the hearing.*

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: 20-Department of Insurance

Division: 200-Financial Examination

Chapter: 11-Control and Management of Insurance Companies

Type of Rulemaking: Proposed rule

Rule: 20 CSR 200-11.120 Material Transactions Between Affiliates Under Section 382.050.1(5)

II. SUMMARY OF FISCAL IMPACT

It is estimated that the cost of complying with the proposed rule will average no more than \$3,000 annually in the aggregate, that is for all private entities. The agreements to be filed under the proposed rule are filed currently, so the Department may be overstating the actual cost of this rule to private person.

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
135 insurance companies and health maintenance organizations	Missouri domestic insurance companies and health maintenance organizations that are part of an insurance holding company system	\$3,000 or less annually

III. WORKSHEET

The Department of Insurance estimates that the annual private entity fiscal impact from the proposed rule will be about \$3,000 in the aggregate, such sum to be paid by domestic insurers (insurance companies and health maintenance organizations). This estimate is based on an estimate that about 15 tax allocation agreements will be filed annually. (Although such agreements are currently being filed as cost-sharing arrangements, they are included in the private fiscal statement for this proposed rule because of a desire to use a conservative basis for cost estimation.) These 15 agreements were multiplied by \$100, which represents the filing fee of \$50 plus and additional \$50 for preparation of the Form D notice. Added to the resulting

product of \$1500 was another \$1500, the latter based on an estimated 15 agreements annually being filed under section (2)(B) of this proposed rule.

IV. ASSUMPTIONS

This estimate is based on an estimate that about 15 tax allocation agreements will be filed annually. (Although such agreements are currently being filed as cost-sharing arrangements, they are included in the private fiscal statement for this proposed rule because of a desire to use a conservative basis for cost estimation.) These 15 agreements were multiplied by \$100, which represents the filing fee of \$50 plus and additional \$50 for preparation of the Form D notice. Added to the resulting product of \$1500 was another \$1500, the latter based on an estimated 15 agreements annually being filed under section (2)(B) of this proposed rule.

Title 20—DEPARTMENT OF INSURANCE
Division 200—Financial Examination
Chapter 12—Missouri and Extended Missouri Mutual Companies

PROPOSED AMENDMENT

20 CSR 200-12.020 Extended Missouri Mutual Companies' Approved Investments. The department is amending subsection (1)(C), section (2) and deleting subsection (2)(C).

PURPOSE: The purpose of this amendment is to update the provisions of this rule and to expand the scope of permissible home office real estate investments by extended Missouri mutual insurance companies.

(1) Approved Investments. The following described investments shall be deemed approved investments under the provisions of section 380.471, RSMo:

(C) **With prior approval of the director, [H/home office real estate having an asset value of [thirty thousand dollars (\$30,000) or less] sixty percent (60%) of the extended Missouri mutual company's surplus or ten percent (10%) of its admitted assets, as shown by its last annual statement preceding the date of acquisition, as filed with the director, whichever is lesser.**

(2) Limitations. The approved investments described in section (1) of this rule shall be subject to the following limitations:

(A) No more than five percent (5%) of an extended Missouri mutual's assets may be invested in the bonds or commercial paper described in subsections (1)(A) and (B) in any one (1) issuer; **and**

(B) No more than twenty percent (20%) of an extended Missouri mutual's assets may be invested in the aggregate in all bonds or commercial paper described in subsections (1)(A) and (B).; **and/**

[(C) Home office real estate investment described in subsection (1)(C) shall not exceed twenty percent (20%) of an extended Missouri mutual's surplus without prior approval of the director.]

AUTHORITY: sections 374.045, 380.471, RSMo Supp. 1990] and 380.561, RSMo [1986] 2000. Original rule filed Oct. 24, 1991, effective March 9, 1992. Amended: Filed June 14, 2001.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held on this proposed amendment at 9:30 a.m. on August 22, 2001. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to the proposed amendment, until 5:00 p.m. on August 22, 2001. Written statements shall be sent to Kimberly A. Grinston, Department of Insurance, PO Box 690, Jefferson City, MO 65102.

SPECIAL NEEDS: If you have any special needs addressed by the Americans with Disabilities Act, please notify us at (573) 751-6798 or (573) 526-4636 at least five working days prior to the hearing.

Title 20—DEPARTMENT OF INSURANCE
Division 200—Financial Examination
Chapter 17—Admissions

PROPOSED RULE

20 CSR 200-17.100 Procedure for Forming a Missouri Domestic Insurance Company

PURPOSE: The purpose of this rule is to prescribe forms and procedures to be followed in forming an insurance company organized under the laws of the state of Missouri. This rule also effectuates and aids in the interpretation of sections 376.010–376.120, RSMo (life insurance companies) and sections 379.010–379.065, RSMo (insurance companies other than life).

(1) The procedures outlined in section (2) of this rule are the procedures required for the successful formation of a Missouri domestic insurance company authorized to transact an insurance business in this state. The steps outlined in subsections (A) through (E) of section (2) are set forth in the required chronological order beginning with the first step.

(2) A Missouri domestic insurance company shall be formed in accordance with the following procedures and forms:

(A) The incorporators form the corporation that will become an insurance company organized under the laws of the state of Missouri. The incorporators must:

1. Issue a declaration of intent to form an insurance company and state its articles of incorporation to comply with the requirements of Missouri law. See sections 376.010 to 376.120, RSMo (life insurance companies) and sections 379.010 to 379.065, RSMo (other than life). Particular attention should be paid to the requirements for the number and residence of the members of the board of directors and the place where the principal office for the conduct of the insurance company's business will be conducted. Such place must be stated with sufficient specificity so that an examiner can verify that in fact the insurance company's principal business will be located at the address stated;

2. Publish the declaration and the articles as required by law; and

3. File with the Division of Financial Regulation (DFR) of the Missouri Department of Insurance (MDI) an affidavit of publication from the publisher of the declaration and articles, and the articles in triplicate original;

(B) If the insurance company's filings under paragraph 3 of subsection (A) are in compliance with the applicable laws and regulations relating to a Missouri domestic insurance company, the DFR will cause the articles to be reviewed by the Missouri attorney general (AG). Upon receipt of the AG's certification, the DFR will file the articles and a copy of the AG's certification with the Missouri secretary of state for the issuance of a certificate of incorporation. (The secretary of state may require the payment of certain fees and taxes before issuing the certificate of incorporation);

(C) Upon receipt of a copy of the certificate of incorporation, the company shall:

1. Form its board of directors, appoint officers, issue stock (if a stock company) or take deposits if a mutual company;

2. Place the proceeds from the stock subscription or deposits into accounts (including the deposit with Department of Insurance);

3. File with the MDI's Property and Casualty Section or the Life and Health Section (whichever is applicable) any premium rates, policy forms or endorsements as may be needed to transact the insurance company's business; and

4. Submit to the DFR a completed Uniform Certificate of Authority Application (UCAA)—primary application. Upon request, the DFR will provide information regarding:

A. How to obtain the appropriate UCAA form (including any forms specific to Missouri under the UCAA review process); and

B. The application of the statutory standards for evaluating an application for a certificate of authority;

(D) Upon notice from the company that the steps listed in subsection (C) have been completed, the DFR will contact the insurance company to schedule a pre-licensing examination. Among other things, the examination will verify the statutory deposit, compliance with financial requirements, the location of the insurance company's principal place of business, the filing of any necessary policy or endorsement forms, and the competency and integrity of the insurance company's officers and directors; and

(E) Based upon the recommendation in the report of the pre-licensing examination, the DFR will cause the completion of the formation process. Formation is complete upon the issuance by the director of the MDI of a certificate of authority to transact the business of insurance in this state.

AUTHORITY: section 374.045, RSMo 2000. Original rule filed June 14, 2001.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held on this proposed rule at 9:30 a.m. on August 22, 2001. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to the proposed rule, until 5:00 p.m. on August 22, 2001. Written statements shall be sent to Kimberly A. Grinston, Department of Insurance, PO Box 690, Jefferson City, MO 65102.

SPECIAL NEEDS: If you have any special needs addressed by the Americans with Disabilities Act, please notify us at (573) 751-6798 or (573) 526-4636 at least five working days prior to the hearing.

Title 20—DEPARTMENT OF INSURANCE

Division 200—Financial Examination

Chapter 17—Admissions

PROPOSED RULE

20 CSR 200-17.200 Procedure for Foreign Insurer to Obtain a Certificate of Authority to Transact the Business of Insurance

PURPOSE: The purpose of this rule is to prescribe forms and procedures to be followed in applications for a certificate of authority to transact an insurance business in this state. This rule also effectuates or aids in the interpretation of section 375.8II, RSMo.

(1) Any foreign insurance company, as that term is used in section 375.811, RSMo, making application to the director of the Department of Insurance for a certificate of authority to transact an insurance business in the state of Missouri shall do so by filing both of the following:

(A) A completed Uniform Certificate of Authority Application (UCAA) form as follows:

1. An expansion application, if the applicant is organized under the laws of a uniform state; or

2. A primary application, if the applicant is not organized under the laws of a uniform state; and

(B) Additional information as follows:

1. A letter from the insurance commissioner of the applicant's domicile state stating that according to his/her records, the applicant is prompt and equitable in its loss payments to policyholders and payments are in accordance with policy provisions;

2. A narrative description of the history of the applicant;

3. Explanation of any unique assets, liabilities or operating aspects of the applicant; and

4. A detailed explanation of any present controversy with any state or federal regulatory agency or of any presently pending formal or informal hearings.

(2) A uniform state is a state or territory of the United States that is committed to using the UCAA review process for company admissions.

(3) Upon request, the Missouri Department of Insurance will provide information regarding:

(A) Whether a state or territory is a uniform state;

(B) How to obtain the appropriate UCAA form (including any forms specific to Missouri under the UCAA review process); and

(C) The application of the statutory standards for evaluating an application for a certificate of authority.

AUTHORITY: section 374.045, RSMo 2000. Original rule filed June 14, 2001.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held on this proposed rule at 9:30 a.m. on August 22, 2001. The public hearing will be held at the Harry S. Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to the proposed rule, until 5:00 p.m. on August 22, 2001. Written statements shall be sent to Kimberly A. Grinston, Department of Insurance, PO Box 690, Jefferson City, MO 65102.

SPECIAL NEEDS: If you have any special needs addressed by the Americans with Disabilities Act, please notify us at (573) 751-6798 or (573) 526-4636 at least five working days prior to the hearing.

Title 20—DEPARTMENT OF INSURANCE

Division 200—Financial Examination

Chapter 17—Admissions

PROPOSED RULE

20 CSR 200-17.300 Procedure for Redomestication

PURPOSE: The purpose of this rule is to prescribe forms and procedures to be followed in redomesticating an insurance company from or into the state of Missouri. This rule also effectuates and aids in the interpretation of section 375.908, RSMo.

(1) Redomestication to Missouri from Another State. In order to redomesticate an insurance company organized under the laws of any other state to the state of Missouri, the insurance company

shall comply with the following forms and procedures in the chronological order set forth below beginning with subsection (A):

(A) The insurance company must obtain a certificate of authority to transact an insurance business in the state of Missouri, if not previously obtained;

(B) The insurance company must obtain the approval of the current state of domicile to redomesticate to Missouri. This approval may be either unconditional or conditioned on future events such as Missouri's acceptance of the redomestication;

(C) The insurance company must apply for redomestication to Missouri. The law (section 375.908, RSMo) requires a company redomesticating to Missouri to comply with all the requirements of law relative to organizing and licensing a domestic insurer. This means that the company must:

1. Locate its principal place of business at a place in Missouri;

2. Issue a declaration and amend and restate its articles of incorporation to comply with the requirements of Missouri law. See sections 376.010 to 376.120, RSMo (life insurance companies) and 379.010 to 379.065, RSMo (other than life). A declaration of intent to redomesticate will be accepted as a substitute for a declaration of intent to form. The amended and restated articles will be accepted as a substitute for the charter. The directors will be acceptable substitutes for the incorporators;

3. Publish the declaration and the amended and restated articles as required by law. The declaration may reflect the intent to redomesticate rather than the intent to form;

4. File with the Division of Financial Regulation (DFR) of the Missouri Department of Insurance (MDI) an affidavit of publication from the publisher of the amended and restated articles, the amended and restated articles in triplicate original, the order from the current state of domicile approving the redomestication, and an application for an amended certificate of authority (which will state among other things, the location of the principal place of business); and

5. File with the MDI's Property and Casualty Section or the Life and Health Section (whichever is applicable) any amended policy forms or endorsements as may be needed to reflect Missouri as the insurance company's state of domicile;

(D) If the insurance company's filings are in compliance with the applicable laws and regulations relating to a Missouri domestic insurance company, the DFR will cause the articles to be reviewed by the Missouri attorney general (AG). Upon receipt of the AG's certification, the DFR will file the articles and a copy of the AG's certification with the Missouri secretary of state for the issuance of a certificate of incorporation. (The secretary of state may require the payment of certain fees and taxes before issuing the certificate of incorporation);

(E) Upon receipt of the certificate of incorporation, the DFR will contact the insurance company to schedule a pre-licensing examination. The scope of this examination will vary depending on the circumstances, including the extent and as of date of the insurance company's most recent examination. Among other things, the examination will verify the statutory deposit, compliance with financial requirements, the location of the insurance company's principal place of business, the filing of any necessary policy or endorsement forms, and the competency and integrity of the insurance company's officers and directors; and

(F) Based upon the recommendation in the report of the pre-licensing examination, the DFR will cause the completion of the redomestication process. Redomestication is complete upon the issuance by the director of the MDI of a certificate of authority amended to reflect Missouri as the insurance company's state of domicile.

(2) Redomestication from Missouri to Another State. In order to redomesticate an insurance company organized under the laws of the state of Missouri to another state, the insurance company shall

comply with the following forms and procedures in the chronological order set forth below beginning with subsection (A):

(A) The Missouri domestic insurer must request the DFR to approve a redomestication to a specified state and provide evidence that the Missouri domestic insurer is admitted to do business in that state. The DFR will then cause the MDI to issue a contingent approval and state the terms for finalizing the redomestication and making the contingent approval absolute.

(B) After receipt of the contingent approval, the insurance company shall obtain and file each of the following:

1. A certified copy of the state's order approving the redomestication;

2. An application to amend certificate of authority (form enclosed);

3. A certified copy of amended or restated articles of incorporation from new state of domicile;

4. A certified copy of certificate of authority from new state of domicile;

5. An appointment of the director of the MDI as agent for receipt of service of process; and

6. The filing fee for amending the Missouri certificate of authority.

(C) The DFR will cause the MDI to make the contingent approval absolute after the insurer files all items described under subsection (B) of this section.

AUTHORITY: section 374.045, RSMo 2000. Original rule filed June 14, 2001.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held on this proposed rule at 9:30 a.m. on August 22, 2001. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to the proposed rule, until 5:00 p.m. on August 22, 2001. Written statements shall be sent to Kimberly A. Grinston, Department of Insurance, PO Box 690, Jefferson City, MO 65102.

SPECIAL NEEDS: If you have any special needs addressed by the Americans with Disabilities Act, please notify us at (573) 751-6798 or (573) 526-4636 at least five working days prior to the hearing.

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than 30 days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The 90-day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 90—State Board of Cosmetology Chapter 8—Training Hours

ORDER OF RULEMAKING

By the authority vested in the State Board of Cosmetology under section 329.230, RSMo 2000, the board rescinds a rule as follows:

4 CSR 90-8.010 Hours is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 2, 2001 (26 MoReg 697). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 90—State Board of Cosmetology Chapter 8—Training Hours

ORDER OF RULEMAKING

By the authority vested in the State Board of Cosmetology under sections 329.040, 329.210, and 329.230, RSMo 2000, the board adopts a rule as follows:

4 CSR 90-8.010 Hours is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 2, 2001 (26 MoReg 697-698). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 231—Division of Professional Registration Chapter 2—Designation of License Renewal Dates and Related Information

ORDER OF RULEMAKING

By the authority vested in the Division of Professional Registration under section 620.010.14(2), RSMo 2000, the board amends a rule as follows:

4 CSR 231-2.010 Designation of License Renewal Dates and Related Renewal Information is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 2, 2001 (26 MoReg 699-700). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 235—State Committee of Psychologists Chapter 1—General Rules

ORDER OF RULEMAKING

By the authority vested in the State Committee of Psychologists under sections 337.030.4 and 337.050, RSMo 2000, the board amends a rule as follows:

4 CSR 235-1.020 Fees is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 2, 2001 (26 MoReg 700). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 235—State Committee of Psychologists Chapter 2—Licensure Requirements

ORDER OF RULEMAKING

By the authority vested in the State Committee of Psychologists under sections 337.020 and 337.050.9, RSMo 2000, the board rescinds a rule as follows:

4 CSR 235-2.060 Licensure by Examination is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 2, 2001 (26 MoReg 700). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 235—State Committee of Psychologists
Chapter 2—Licensure Requirements**

ORDER OF RULEMAKING

By the authority vested in the State Committee of Psychologists under sections 337.050.9 and 337.080, RSMo 2000, the board adopts a rule as follows:

4 CSR 235-2.060 Licensure by Examination is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 2, 2001 (26 MoReg 700-704). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 30—Office of the Director
Chapter 2—Driving While Intoxicated Records**

ORDER OF RULEMAKING

By the authority vested in the director of the Department of Public Safety under section 577.051.5, RSMo 2000, the director amends a rule as follows:

11 CSR 30-2.010 Collection is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 16, 2001 (26 MoReg 861-862). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 30—Child Support Enforcement
Chapter 10—Fees**

ORDER OF RULEMAKING

By the authority vested in the Department of Social Services, Division of Child Support Enforcement, under section 454.400 RSMo 2000, the division withdraws a proposed rule as follows:

13 CSR 30-10.020 Monthly Fee is withdrawn.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on June 1, 2001 (26 MoReg 1177-1179). This proposed rule is withdrawn.

SUMMARY OF COMMENTS: The department received numerous written and oral comments from the general public, attorneys and legislators to this rule. Based upon these comments, the division has decide to reassess its position on this matter.

RESPONSE: As a result, the department has decided to withdraw this rule at this time.

**Title 15—ELECTED OFFICIALS
Division 60—Attorney General
Chapter 13—Rules for the Establishment of
a Missouri No-Call Database**

ORDER OF RULEMAKING

By the authority vested in the Attorney General under section 407.1101, RSMo 2000, the attorney general amends a rule as follows:

**15 CSR 60-13.060 Methods by Which a Person or Entity
Desiring to Make Telephone Solicitations Will Obtain Access to
the Database of Residential Subscribers' Notices of Objection to
Receiving Telephone Solicitations and the Cost Assessed for
Access to the Database is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 2, 2001 (26 MoReg 811). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Attorney General received only one comment on the proposed rule.

COMMENT: David Monaghan of American Family Insurance expressed support for the proposed amendment and commented that it, "will likely enhance compliance with the no-call database law which serves the underlying purpose of the law."

RESPONSE: The Attorney General has considered this comment and has decided to make no change to the rule.

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs and other items required to be published in the *Missouri Register* by law.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT
Division 100—Division of Credit Unions**

**APPLICATIONS FOR NEW GROUPS OR
GEOGRAPHIC AREAS**

Pursuant to section 370.081(4), RSMo 2000, the director of the Missouri Division of Credit Unions is required to cause notice to be published that the following credit unions have submitted applications to add new groups or geographic areas to their membership.

Credit Union	Proposed New Group or Geographic Area
Lake City Credit Union 2112 S. 291 Hwy Suite J Independence, MO 64057	Missouri Zip codes 64014, 64015, 64016, 64056, 64057, 64058

*NOTICE TO SUBMIT COMMENTS: Anyone may file a written statement in support of or in opposition to any of these applications. Comments shall be filed with: Director, Division of Credit Unions, PO Box 1607, Jefferson City, MO 65102. To be considered, written comments must be submitted no later than ten business days after publication of this notice in the **Missouri Register**.*

**Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 25—Hazardous Waste Management
Commission**

**MISSOURI HAZARDOUS WASTE PROGRAM
(Risk-based Cleanup Levels for Missouri)**

The Missouri Department of Natural Resources will release a 2001 update of Tier 1 Standards for soil and groundwater target concentrations (STARC & GTARC) for its risk-based *Cleanup Levels for Missouri* (CALM) document. CALM is a risk-based approach to establishing cleanup levels for contaminated property. The Tier 1 Standards are contained in Table B1 and supported by Tables A3 and A4. Table B1 is a simple look-up table for determining conservatively derived risk-based target concentrations for the remediation of voluntary cleanup sites in Missouri. Supporting data tables A3 and A4 will also be updated.

The exposure pathways and formulas used to generate the look-up table are primarily based on USEPA's 1996 Soil Screening Guidance document (USEPA, 1996d) as modified for Missouri. The department coordinated with the Missouri Department of Health on this new table.

This is the first update since the release of the CALM document in 1998 and updates are planned approximately every 2 years. The 2001 updated Tier 1 standards will become effective September 1, 2001, and they will be applied to all new sites entering the program after this date. They will not be retroactive to VCP sites already using an approved remedial action plan under the current

CALM standards. However future activities at those sites may be subject to the new standards if remediation takes place after September 1, 2001.

Release of the new tables will be through the department's web page and also the Voluntary Cleanup Program web page (www.dnr.state.mo.us/deq/hwp/hwpvcp.htm). Plans are also underway to update the rest of the CALM document in the near future.

Questions concerning the updated tables and CALM in general may be directed to the Missouri Department of Natural Resources' Hazardous Waste Program at (573) 751-3176.

**OFFICE OF ADMINISTRATION
Division of Purchasing**

BID OPENINGS

Sealed Bids in one (1) copy will be received by the Division of Purchasing, Room 580, Truman Building, PO Box 809, Jefferson City, MO 65102, telephone (573) 751-2387 at 2:00 p.m. on dates specified below for various agencies throughout Missouri. Bids are available to download via our homepage: www.moolb.state.mo.us. Prospective bidders may receive specifications upon request.

B3E01265 Conference Services; St. Francois County 7/16/01;
B3Z01116 Laboratory Services, Medical 7/18/01;
B3Z01162 Drug & Alcohol Testing Program 7/18/01;
B3Z01266 Printing: 2001 Pocket Part Supplement 7/18/01;
B3E01262 Bugler Service for Military Funerals 7/19/01;
B3E01264 Courier Services 7/19/01;
B1E01410 Vehicles: Patrol Cars, 2002 Model Year 7/24/01;
B1E02004 Bakery Products: Bagels and Tortillas 7/25/01;
B3E01213 Water Treatment Services 7/25/01;
B3Z01212 Videotape Production Services 7/26/01;
B1E02002 Vehicles: Model Year 2002 Vans-Passenger, Cargo 7/31/01.

It is the intent of the state of Missouri, Division of Purchasing to purchase the following as a single feasible source without competitive bids. If suppliers exist other than the one identified, contact (573) 751-2387 immediately.

1.) Online Computer WorldCat Database Subscription Services, supplied by Missouri Library Network Corporation (MLNC). 2.) Radio Advertising on Emmis Communications, supplied by Emmis Communications-St. Louis.

James Miluski, CPPO,
Acting Director of Purchasing

**Rule Changes Since Update to
Code of State Regulations**

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—24 (1999), 25 (2000) and 26 (2001). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable and RUC indicates a rule under consideration.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
OFFICE OF ADMINISTRATION					
1 CSR 10	State Officials' Salary Compensation Schedule				24 MoReg 2535 25 MoReg 2478
1 CSR 10-15.010	Commissioner of Administration	26 MoReg 103	26 MoReg 641	26 MoReg 1260	
1 CSR 15-2.200	Administrative Hearing Commission		26 MoReg 390	26 MoReg 1187	
1 CSR 15-2.290	Administrative Hearing Commission		26 MoReg 390	26 MoReg 1187	
1 CSR 15-2.450	Administrative Hearing Commission		26 MoReg 391	26 MoReg 1187	
1 CSR 15-2.560	Administrative Hearing Commission		26 MoReg 391	26 MoReg 1187	
1 CSR 15-3.200	Administrative Hearing Commission		26 MoReg 391	26 MoReg 1188	
1 CSR 15-3.210	Administrative Hearing Commission		26 MoReg 392	26 MoReg 1188	
1 CSR 15-3.290	Administrative Hearing Commission		26 MoReg 392	26 MoReg 1188	
1 CSR 15-3.320	Administrative Hearing Commission		26 MoReg 392	26 MoReg 1188	
1 CSR 15-3.350	Administrative Hearing Commission		26 MoReg 393	26 MoReg 1188	
1 CSR 15-3.380	Administrative Hearing Commission		26 MoReg 394	26 MoReg 1189	
1 CSR 15-3.450	Administrative Hearing Commission		26 MoReg 395	26 MoReg 1189	
1 CSR 15-3.490	Administrative Hearing Commission		26 MoReg 395	26 MoReg 1189	
1 CSR 15-3.560	Administrative Hearing Commission		26 MoReg 395	26 MoReg 1189	
1 CSR 15-5.210	Administrative Hearing Commission		26 MoReg 396R	26 MoReg 1189R	
1 CSR 15-5.230	Administrative Hearing Commission		26 MoReg 396R	26 MoReg 1189R	
1 CSR 15-5.250	Administrative Hearing Commission		26 MoReg 396R	26 MoReg 1190R	
1 CSR 15-5.270	Administrative Hearing Commission		26 MoReg 397R	26 MoReg 1190R	
1 CSR 15-5.290	Administrative Hearing Commission		26 MoReg 397R	26 MoReg 1190R	
1 CSR 15-5.320	Administrative Hearing Commission		26 MoReg 397R	26 MoReg 1190R	
1 CSR 15-5.350	Administrative Hearing Commission		26 MoReg 397R	26 MoReg 1190R	
1 CSR 15-5.380	Administrative Hearing Commission		26 MoReg 398R	26 MoReg 1190R	
1 CSR 15-5.390	Administrative Hearing Commission		26 MoReg 398R	26 MoReg 1191R	
1 CSR 15-5.410	Administrative Hearing Commission		26 MoReg 398R	26 MoReg 1191R	
1 CSR 15-5.420	Administrative Hearing Commission		26 MoReg 398R	26 MoReg 1191R	
1 CSR 15-5.430	Administrative Hearing Commission		26 MoReg 399R	26 MoReg 1191R	
1 CSR 15-5.450	Administrative Hearing Commission		26 MoReg 399R	26 MoReg 1191R	
1 CSR 15-5.470	Administrative Hearing Commission		26 MoReg 399R	26 MoReg 1191R	
1 CSR 15-5.480	Administrative Hearing Commission		26 MoReg 399R	26 MoReg 1192R	
1 CSR 15-5.490	Administrative Hearing Commission		26 MoReg 400R	26 MoReg 1192R	
1 CSR 15-5.510	Administrative Hearing Commission		26 MoReg 400R	26 MoReg 1192R	
1 CSR 15-5.530	Administrative Hearing Commission		26 MoReg 400R	26 MoReg 1192R	
1 CSR 15-5.560	Administrative Hearing Commission		26 MoReg 400R	26 MoReg 1192R	
1 CSR 15-5.580	Administrative Hearing Commission		26 MoReg 401R	26 MoReg 1192R	
1 CSR 15-6.210	Administrative Hearing Commission		26 MoReg 401R	26 MoReg 1193R	
1 CSR 15-6.230	Administrative Hearing Commission		26 MoReg 401R	26 MoReg 1193R	
1 CSR 15-6.250	Administrative Hearing Commission		26 MoReg 401R	26 MoReg 1193R	
1 CSR 15-6.270	Administrative Hearing Commission		26 MoReg 402R	26 MoReg 1193R	
1 CSR 15-6.290	Administrative Hearing Commission		26 MoReg 402R	26 MoReg 1193R	
1 CSR 15-6.320	Administrative Hearing Commission		26 MoReg 402R	26 MoReg 1193R	
1 CSR 15-6.350	Administrative Hearing Commission		26 MoReg 402R	26 MoReg 1194R	
1 CSR 15-6.380	Administrative Hearing Commission		26 MoReg 403R	26 MoReg 1194R	
1 CSR 15-6.390	Administrative Hearing Commission		26 MoReg 403R	26 MoReg 1194R	
1 CSR 15-6.410	Administrative Hearing Commission		26 MoReg 403R	26 MoReg 1194R	
1 CSR 15-6.420	Administrative Hearing Commission		26 MoReg 403R	26 MoReg 1194R	
1 CSR 15-6.430	Administrative Hearing Commission		26 MoReg 404R	26 MoReg 1194R	
1 CSR 15-6.450	Administrative Hearing Commission		26 MoReg 404R	26 MoReg 1195R	
1 CSR 15-6.470	Administrative Hearing Commission		26 MoReg 404R	26 MoReg 1195R	
1 CSR 15-6.480	Administrative Hearing Commission		26 MoReg 404R	26 MoReg 1195R	
1 CSR 15-6.490	Administrative Hearing Commission		26 MoReg 405R	26 MoReg 1195R	
1 CSR 15-6.510	Administrative Hearing Commission		26 MoReg 405R	26 MoReg 1195R	
1 CSR 15-6.530	Administrative Hearing Commission		26 MoReg 405R	26 MoReg 1195R	
1 CSR 15-6.560	Administrative Hearing Commission		26 MoReg 405R	26 MoReg 1196R	
1 CSR 15-6.580	Administrative Hearing Commission		26 MoReg 406R	26 MoReg 1196R	
DEPARTMENT OF AGRICULTURE					
2 CSR 10-5.005	Market Development	24 MoReg 2269			
2 CSR 10-5.010	Market Development	26 MoReg 1305R			
	26 MoReg 1305			
2 CSR 70-13.030	Plant Industries		26 MoReg 905		
2 CSR 80-5.010	State Milk Board		26 MoReg 909		
2 CSR 90-21.060	Weights and Measures		25 MoReg 2788	26 MoReg 865	
2 CSR 90-40.010	Weights and Measures		26 MoReg 1129R		
2 CSR 90-50.010	Weights and Measures		26 MoReg 1129R		
DEPARTMENT OF CONSERVATION					
3 CSR 10-4.113	Conservation Commission		26 MoReg 1130		
3 CSR 10-4.115	Conservation Commission		26 MoReg 1130R		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
3 CSR 10-4.116	Conservation Commission		26 MoReg 646	26 MoReg 1196	
3 CSR 10-5.205	Conservation Commission		26 MoReg 1131R		
3 CSR 10-5.215	Conservation Commission		26 MoReg 1132		
3 CSR 10-5.216	Conservation Commission		26 MoReg 1132		
3 CSR 10-5.310	Conservation Commission		26 MoReg 1133		
3 CSR 10-5.315	Conservation Commission		26 MoReg 1133		
3 CSR 10-5.320	Conservation Commission		26 MoReg 1133		
3 CSR 10-6.405	Conservation Commission		26 MoReg 1134		
3 CSR 10-6.410	Conservation Commission		26 MoReg 1134		
3 CSR 10-6.505	Conservation Commission		26 MoReg 1135		
3 CSR 10-6.525	Conservation Commission		26 MoReg 1135		
3 CSR 10-7.435	Conservation Commission		N.A.	26 MoReg 1338	
3 CSR 10-7.440	Conservation Commission		N.A.	26 MoReg 1341	
3 CSR 10-7.455	Conservation Commission		N.A.	26 MoReg 1196	
3 CSR 10-9.110	Conservation Commission		26 MoReg 1308		
3 CSR 10-9.575	Conservation Commission		26 MoReg 1136		
3 CSR 10-9.625	Conservation Commission		26 MoReg 1136		
3 CSR 10-10.744	Conservation Commission		26 MoReg 1136		
3 CSR 10-11.105	Conservation Commission		26 MoReg 1137		
3 CSR 10-11.110	Conservation Commission		26 MoReg 1137		
3 CSR 10-11.115	Conservation Commission		26 MoReg 1137		
3 CSR 10-11.120	Conservation Commission		26 MoReg 1138		
3 CSR 10-11.130	Conservation Commission		26 MoReg 1138		
3 CSR 10-11.135	Conservation Commission		26 MoReg 1139		
3 CSR 10-11.140	Conservation Commission		26 MoReg 1139		
3 CSR 10-11.145	Conservation Commission		26 MoReg 1139		
3 CSR 10-11.150	Conservation Commission		26 MoReg 1140		
3 CSR 10-11.155	Conservation Commission		26 MoReg 1140		
3 CSR 10-11.160	Conservation Commission		26 MoReg 1140		
3 CSR 10-11.165	Conservation Commission		26 MoReg 1141		
3 CSR 10-11.180	Conservation Commission		26 MoReg 1141		
3 CSR 10-11.182	Conservation Commission		26 MoReg 1144		
3 CSR 10-11.183	Conservation Commission		26 MoReg 1146		
3 CSR 10-11.186	Conservation Commission		26 MoReg 1146		
3 CSR 10-11.187	Conservation Commission		26 MoReg 1147		
3 CSR 10-11.200	Conservation Commission		26 MoReg 1147		
3 CSR 10-11.205	Conservation Commission		26 MoReg 1148		
3 CSR 10-11.210	Conservation Commission		26 MoReg 1149		
3 CSR 10-11.215	Conservation Commission		26 MoReg 1150		
3 CSR 10-11.805	Conservation Commission		26 MoReg 649	26 MoReg 1196	
			26 MoReg 1150R		
3 CSR 10-12.101	Conservation Commission		26 MoReg 1151		
3 CSR 10-12.105	Conservation Commission		26 MoReg 1151		
3 CSR 10-12.109	Conservation Commission		26 MoReg 1308		
3 CSR 10-12.110	Conservation Commission		26 MoReg 1151		
3 CSR 10-12.115	Conservation Commission		26 MoReg 1152		
3 CSR 10-12.125	Conservation Commission		26 MoReg 1153		
3 CSR 10-12.130	Conservation Commission		26 MoReg 1154		
3 CSR 10-12.135	Conservation Commission		26 MoReg 1154		
3 CSR 10-12.140	Conservation Commission		26 MoReg 1154		
3 CSR 10-12.145	Conservation Commission		26 MoReg 1156		
3 CSR 10-12.150	Conservation Commission		26 MoReg 1156		
3 CSR 10-20.805	Conservation Commission		26 MoReg 1157		
DEPARTMENT OF ECONOMIC DEVELOPMENT					
4 CSR 30-8.020	Missouri Board for Architects, Professional Engineers and Professional Land Surveyors		This IssueR		
			This Issue		
4 CSR 30-11.010	Missouri Board for Architects, Professional Engineers and Professional Land Surveyors		This IssueR		
			This Issue		
4 CSR 30-11.020	Missouri Board for Architects, Professional Engineers and Professional Land Surveyors		This Issue		
4 CSR 90-7.010	State Board of Cosmetology		26 MoReg 322R	26 MoReg 1260R	
			26 MoReg 322	26 MoReg 1260	
4 CSR 90-8.010	State Board of Cosmetology		26 MoReg 697R	This IssueR	
			26 MoReg 697	This Issue	
4 CSR 90-11.010	State Board of Cosmetology		26 MoReg 328	26 MoReg 1260	
4 CSR 100	Division of Credit Unions				26 MoReg 1096
					26 MoReg 1212
					26 MoReg 1277
					26 MoReg 1363
					This Issue
4 CSR 100 2.060	Division of Credit Unions		26 MoReg 1159		
4 CSR 110-2.170	Missouri Dental Board		This IssueR		
			This Issue		
4 CSR 110-2.180	Missouri Dental Board		This IssueR		
			This Issue		
4 CSR 120-2.100	State Board of Embalmers and Funeral Directors		26 MoReg 1007		
4 CSR 140-2.070	Division of Finance		26 MoReg 328	26 MoReg 1341	
4 CSR 140-2.138	Division of Finance		26 MoReg 328	26 MoReg 1342	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
4 CSR 140-6.085	Division of Finance.....		26 MoReg 329.....	26 MoReg 1342	
4 CSR 145-1.040	Missouri Board of Geologist Registration		26 MoReg 1011		
4 CSR 150-2.050	State Board of Registration for the Healing Arts		26 MoReg 1014		
4 CSR 150-2.080	State Board of Registration for the Healing Arts		26 MoReg 1014		
4 CSR 150-2.125	State Board of Registration for the Healing Arts		26 MoReg 1020		
4 CSR 150-2.165	State Board of Registration for the Healing Arts		26 MoReg 1021		
4 CSR 150-4.060	State Board of Registration for the Healing Arts		26 MoReg 330.....	26 MoReg 1261	
4 CSR 150-8.060	State Board of Registration for the Healing Arts		26 MoReg 1023		
4 CSR 205-4.010	Missouri Board of Occupational Therapy.....		26 MoReg 859		
4 CSR 205-4.020	Missouri Board of Occupational Therapy.....		26 MoReg 859		
4 CSR 220-2.032	State Board of Pharmacy		26 MoReg 698		
4 CSR 220-2.085	State Board of Pharmacy		26 MoReg 1025		
4 CSR 220-4.010	State Board of Pharmacy		26 MoReg 698		
4 CSR 220-5.020	State Board of Pharmacy		26 MoReg 1025		
4 CSR 231-2.010	Division of Professional Registration		26 MoReg 699.....	This Issue	
4 CSR 233-1.040	State Committee of Marital and Family Therapists		26 MoReg 1309		
4 CSR 233-2.010	State Committee of Marital and Family Therapists		26 MoReg 1309		
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9 CSR 30-3.220	Certification Standards.....		26 MoReg 748R		
9 CSR 30-3.230	Certification Standards.....		26 MoReg 768		
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9 CSR 30-3.250	Certification Standards.....		26 MoReg 748R		
9 CSR 30-3.300	Certification Standards.....		26 MoReg 755		
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9 CSR 30-3.610	Certification Standards.....		26 MoReg 750		
	(<i>Changed to 9 CSR 30-3.132</i>)				
9 CSR 30-3.611	Certification Standards.....		26 MoReg 753		
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9 CSR 30-3.621	Certification Standards.....		26 MoReg 755R		
9 CSR 30-3.630	Certification Standards.....		26 MoReg 755		
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9 CSR 30-3.720	Certification Standards.....		26 MoReg 759R		
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9 CSR 30-3.750	Certification Standards.....		26 MoReg 762		
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9 CSR 30-3.780	Certification Standards.....		26 MoReg 767R		
9 CSR 30-3.790	Certification Standards.....		26 MoReg 768		
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12 CSR 10-23.452	Director of Revenue		This Issue		
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19 CSR 10-33.010	Office of the Director	26 MoReg 689	26 MoReg 1061		
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- 2 CSR 10-5.010 Price Reporting Requirements for Livestock Purchases by Packers February 28, 2002
2 CSR 10-5.010 Rules Governing Livestock Purchases by Packers February 28, 2002

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- 10 CSR 60-13.010 Grants for Public Water Supply Districts and Small Municipal Water Systems September 30, 2001
10 CSR 60-14.010 Classification of Public Water Systems August 3, 2001
10 CSR 60-14.020 Certification of Water Supply Operators August 3, 2001

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- 11 CSR 40-5.065 Missouri Minimum Safety Codes for Existing Elevator Equipment November 5, 2001

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- 13 CSR 70-15.010 Inpatient Hospital Services Reimbursement Plan; Outpatient Hospital Services
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13 CSR 70-15.110 Federal Reimbursement Allowance (FRA) December 8, 2001
13 CSR 70-15.150 Enhancement Pools October 15, 2001

Department of Health

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- 19 CSR 10-4.030 National Interest Waiver Program January 17, 2002
19 CSR 10-33.010 Reporting Patient Abstract Data by Hospitals and Ambulatory Surgical Centers January 10, 2002

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- 19 CSR 25-30.011 General Provisions for the Determination of Blood, Breath, Saliva or Urine Analysis
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19 CSR 25-30.050 Approved Breath Analyzers November 17, 2001
19 CSR 25-30.070 Approval of Methods for the Determination of Blood Alcohol Content from
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19 CSR 25-30.080 Approval of Methods for the Analysis of Blood and Urine for the Presence of Drugs November 17, 2001

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- 20 CSR 100-6.100 Privacy of Financial Information December 28, 2001

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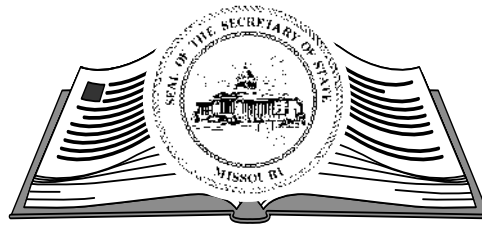
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